

REPORT TO: Licensing Sub-Committee
MEETING DATE: 13 January 2022
BY: Head of Corporate Support
SUBJECT: Licensing of Sexual Entertainment Venues (SEV)

2

1 PURPOSE

- 1.1 To allow Members to consider the approach to be taken to the licensing and regulation of Sexual Entertainment Venues, in light of the responses received to the public consultation which ran from 1 September 2021 to 29 October 2021.

2 RECOMMENDATIONS

- 2.1 That the Sub-Committee –
- a) Note the views expressed in response to the public consultation in relation to the future policy development of Sexual Entertainment Venues in East Lothian;
 - b) Determine whether a licensing regime for Sexual Entertainment Venues should be introduced by way of a resolution under the Civic Government (Scotland) Act 1982; and if so minded, to:
 - c) Determine what the appropriate number of Sexual Entertainment Venues in East Lothian should be;
 - d) Agree to instruct the Service Manager, Governance and such staff as he may appoint to prepare a draft SEV Policy Statement for public consultation including groups who may have an interest in the matter; and
 - e) Report back to the Board with a draft SEV Policy Statement.

3 BACKGROUND

- 3.1 The Air Weapons and Licensing (Scotland) Act 2015 (“**2015 Act**”) which came into effect on 5 August 2015 provided for changes to be made to the Civic Government (Scotland) Act 1982 (“**1982 Act**”). Not all of the provisions detailed in the 2015 Act were brought into force immediately.
- 3.2 The Scottish Government passed The Air Weapons and Licensing (Scotland) Act 2015 (Commencement No.9 and Transitional Provisions) Order 2019 (“**2019 Order**”) which on 26 April 2019 introduced the provisions detailed in the 2015 Act into the 1982 Act, giving Local Authorities a discretionary power to licence Sexual Entertainment Venues (“**SEVs**”).

- 3.3 The Civic Government (Scotland) Act 1982, as amended, allows local authorities to consider whether there would be merit in passing a resolution to licence SEVs, now or in the future and setting a number, which may be nil, of such venues operating in their area in the future. If no resolution is in place, then no licence is required to operate a SEV and an existing SEV could continue to operate or new SEV could come into operation within a local authority area without a SEV licence. There are currently no SEVs in East Lothian.
- 3.4 Where a local authority decides to licence SEVs, the newly introduced section 45B of the 1982 Act, enables the local authority to pass a resolution in order for SEV licensing to have effect in their area. It also stipulates in terms of section 45C that where a local authority decides to licence SEVs it must prepare a SEV policy statement. The resolution must specify a date from when it is to take effect in the area, which must be at least one year from the date the resolution is passed. The proposal must be published for a period of at least 28 days prior to implementation to allow for any representations to be made. If no representations are received then officers can proceed to publish the final notice of resolution in the local newspaper.
- 3.5 The policy statement should set out clearly the justification of the local authority's position with regard to licensing SEVs. Any such policy should provide details of the licensing conditions together with enforcement details. Such a policy statement could potentially include a provision that there will be no SEVs permitted within the area or that they are restricted in number, if that is deemed appropriate following consultation.
- 3.6 The Policy Statement should also include details of the impact of the licensing of SEVs in the area of East Lothian taking into account the licensing objectives of preventing public nuisance, securing public safety, protecting children and young people from harm and reducing violence against women.

4. CONSULTATION

- 4.1 On 1 September 2021 a consultation paper (Appendix 1) was advertised online on the Council's website with a link to the consultation emailed to all Community Council's, Elected Members, Council Depts including Safer Communities, Criminal Justice, Environmental Health & Trading Standards, Education, Community Justice Partnership and East & Midlothian Public Protection, the CMT Membership, and external organisations including NHS Lothian, Police Scotland, the GMB Sex Workers Union and a number of Sex Worker groups. The consultation ran until 29 October 2021.
- 4.2 There were a total of 30 responses via the online platform and one email response received. An analysis of the responses has been broken down into the separate categories of questions (Appendix 2). From the responses, it is clear that there is broad support for the introduction of a licensing regime for SEVs in East Lothian. There is less clarity on the response to the appropriate number of SEVs which should be licensed.
- 4.3 The Sub-Committee requires to consider the responses and determine whether Sexual Entertainment Venues ought to be licensed within East Lothian. If the Sub-Committee is minded to pass a Resolution introducing licensing for Sexual

Entertainment Venues then the Resolution requires to be published in a local newspaper at least 28 days before the Resolution comes into effect which can be no earlier than one year after the Resolution is made.

- 4.4 If the Resolution is passed, the Act requires the Sub-Committee to agree to a Sexual Entertainment Venue Policy Statement and this requires to be developed following consultation with interested groups.
- 4.5 When this issue was initially reported to the Sub-Committee following the coming into effect of the legislation, the view taken was that there should be no SEVs in East Lothian. There is of course a difference between having no SEVs and having no licencing policy. The latter would effectively mean that such businesses could open in East Lothian without the benefit of any controls. Introducing the licensing of SEVs is not equivalent to accepting or supporting such businesses, but enabling the Licensing Authority to control such businesses. That control could, if deemed appropriate, include a policy setting the number of such businesses to be permitted at zero.

5 POLICY IMPLICATIONS

- 5.1 None - in terms of the 2015 Act the Council have the discretionary power to resolve to licence the activity of SEVs within East Lothian.
- 5.2 Making such a resolution will require the formulation and adoption of a new Licensing policy statement in respect of such businesses, per paragraphs 3.4-3.6 above.

6 EQUALITIES IMPACT ASSESSMENT

- 6.1 This report is not applicable to the wellbeing of equalities groups and an Equalities Impact Assessment is not required.

7 RESOURCE IMPLICATIONS

- 7.1 Financial - The introduction of a new licensed activity could generate a new income stream, depending on the decision taken on permitted numbers.
- 7.2 Personnel - Processing of a new licensing category will generate more work for Licensing team personnel, again subject to the decision taken on permitted numbers.
- 7.3 Other - None

8 BACKGROUND PAPERS

- 8.1 The Air Weapons and Licensing (Scotland) Act 2015
- 8.2 The Air Weapons and Licensing (Scotland) Act 2015 (Commencement No.9 and Transitional Provisions) Order 2019

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Appendices

- Appendix 1 – Consultation document
- Appendix 2.1 – Appendix A responses
- Appendix 2.2 – Appendix B responses
- Appendix 2.3 – Appendix C responses
- Appendix 2.4 – General response

Introduction

- 1.1 East Lothian Council is the licensing authority for the East Lothian area in relation to a wide range of activities. The responsibility of licensing certain activities is delegated to the Licensing Sub-Committee (“the **Sub-Committee**”).
- 1.2 Recently, the Scottish Government brought legislation into force to introduce a new discretionary licensing regime for sexual entertainment venues (“**SEVs**”). These changes came into effect on 26 April 2019. As of a result of these changes, the Sub-Committee now has discretionary powers in relation to whether SEVs in its area should be licensed.
- 1.3 As it is a discretionary licensing regime, it is for local authorities to determine whether they wish to licence SEVs. If a local authority chooses to licence SEVs it must determine what the appropriate number of SEVs in its area should be.
- 1.4 The responsibility for determining policy in relation to SEVs and applications is delegated to the Council’s Licensing Sub-Committee.

What is a SEV?

- 2.1 The Civic Government (Scotland) Act 1982 defines (the ‘1982 Act’) a SEV “as *any premises at which sexual entertainment is*

provided before a live audience for (or with a view to) the financial gain of the organiser”.

- 2.2 For the purposes of the definition of a SEV, the following terms and definitions apply:

‘audience’ includes an audience of one, or more;

‘financial gain’ includes financial gain arising directly or indirectly from the provision of sexual entertainment;

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

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

‘sexual entertainment’ means any live performance or any live display of nudity which is of such a nature, ignoring financial gain, such that it must be reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience; and

“display of nudity” means: in the case of a woman, the showing of (to any extent and by any means) her nipples, pubic area,

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

- 2.3** However, the 1982 Act also states that premises where sexual entertainment is provided on no more than 4 occasions in a twelve-month period are not to be treated as a SEV.

Current Position

- 3.1** At present there is no legal requirement for SEVs to be licensed in Scotland. If the premises in which the sexual entertainment is taking place sells alcohol then, at present, the premises would only require a Premises Licence under the Licensing (Scotland) Act 2005, which would include “*adult entertainment*” as an activity on the approved operating plan.
- 3.2** However, case law in this area has ruled that the licensing regime in the 2005 Act is limited to the regulation of the sale of alcohol only and cannot extend to matters not directly linked to the sale of alcohol.

Potential Impact

- 4.1** If a decision is made to licence SEVs, the 1982 Act requires the local authority to pass a resolution in order for SEV licensing to have effect in its area. If such a resolution is passed, all SEVs in East Lothian would require to apply for a SEV licence.
- 4.2** If the Sub-Committee does not adopt the discretionary power available to it to licence SEVs, these venues would not require to be licensed and could continue to operate without any direct regulation from the local authority.
- 4.3** A local authority which chooses to licence SEVs is obliged to publish a SEV policy statement. If the Sub-Committee decides to pass a resolution to licence SEVs, a draft SEV policy statement would be subject to a separate consultation process.
- 4.4** Local authorities who pass a resolution to licence SEVs must periodically determine the appropriate number of SEVs for both their area and for each relevant locality within their area. Such determination would be made after a period of consultation.
- 4.5** There are various grounds for refusal of a SEV licence grant or renewal application under the 1982 Act, 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 considers is appropriate for that locality.

Seeking Your Views

- 5.1 This consultation aims to seek views on the licensing and regulation of SEVs, with the purpose of determining whether SEVs should be licensed within East Lothian.
- 5.2 This consultation is an important stage in the future decision-making process and possible development of a SEV policy statement and is essential in establishing whether or not SEVs in East Lothian should be licensed.

How to Respond

- 6.1 Appendix A sets out further information on the Sub-Committee's discretionary powers to licence SEVs, and the process by which they would be licensed and regulated should a resolution be passed.
- 6.2 Appendix B sets out the matters which would be taken into consideration when considering what the appropriate number of SEVs should be within East Lothian.
- 6.3 Appendix C considers the matter of developing a SEV licensing policy statement and standard licence conditions if SEVs were to be licensed and regulated.
- 6.4 You can respond to as many or as few of the issues as you choose depending upon your particular area of interest or experience.

Where possible, please try to explain why you have a certain view, providing any evidence you have in support of that view.

- 6.5 Please indicate in your response the capacity in which you are responding, for example, a member of the public, elected member, Community Council, SEV operator or someone who works within a SEV. You should email your response to licensing@eastlothian.gov.uk
- 6.6 Your response should be received by no later than Friday, 29 October 2021 in order to ensure your views are considered as part of the consultation exercise.

Confidentiality & Data Protection

- 7.1 The local authority will process any personal data you provide in your response appropriately in accordance with the Data Protection Act 2018.
- 7.2 The local authority intends to publish a summary of responses received to the consultation exercise – this will include your name if you submit a response.
- 7.3 The Freedom of Information (Scotland) Act 2002 gives the public a right of access to information held by the local authority; this includes any responses we receive to the consultation exercise.

- 7.4** The local authority may disclose your response to third parties on request. In disclosing responses the local authority will take appropriate steps to redact personal data subject to the relevant provisions of the 2018 and 2002 Acts.
- 7.5** The local authority will hold your response for a period of 2 years from the date it is received. At the end of this period your response will be destroyed unless there are exceptional circumstances that require the response to be retained for a longer period.

A

Appendix A: Should SEVs be licensed?

- A.1** The local authority now has the discretionary power to pass a resolution requiring SEVs to be licensed. If a resolution was passed by the Sub-committee, any SEVs currently operating in East Lothian would require to apply for a licence and the Sub-Committee would have to determine the appropriate number of SEVs.
- A.2** If the Sub-Committee were to pass such a resolution it would not come into effect until at least a year after the date in which the resolution is passed. As detailed above, if a resolution were passed, existing SEVs and any new SEVs in East Lothian would require a SEV licence. The process which SEVs would then be required to complete to apply for such a licence would be as follows:
- a. The applicant would apply to the East Lothian Council for a licence to operate a SEV
 - b. A notice of the application would require to be published either in a newspaper specified by the local authority, or by other electronic means as specified by the local authority no later than seven days after the date of the application
 - c. A further notice would require to be displayed in the immediate vicinity of the premises where it can be conveniently read by the public for a total of 21 days
 - d. A copy of the SEV licence application must be given to Police Scotland and Scottish Fire and Rescue Service
 - e. At this stage, there would be a period of time during which objections to the application and representations in favour of the application could be made to the local authority
 - f. If, after consideration by the Licensing Sub-committee, was to decide to grant a SEV licence, various conditions could be attached to the licence to impose control over the running of the SEV

- A.3** The Sub-Committee would be entitled to refuse the grant of a SEV licence on the following grounds:
- a. Unsuitability of the applicant having been convicted of an offence or for any other reason
 - b. That the business would be carried on for the benefit of someone other than the applicant (who would have been refused the licence if they had applied themselves)
 - c. That the number of SEVs in the local authority area at the time the application is made is equal to or in excess of the number which the local authority has deemed to be appropriate
 - d. That the grant of the licence would be inappropriate considering the character of the locality, use to which any premises in the vicinity are put, layout, character or condition
- A.4** There is a right of appeal against a decision of the Sub-Committee not to grant a SEV licence. An appeal could be made on the grounds that the local authority erred in law, based their decision on an incorrect material fact, acted contrary to natural justice or exercised their discretion unreasonably
- A.5** As noted previously, if following this consultation the Sub-Committee were to decide not to pass a resolution providing for the licensing of SEVs, then no licence would be required to operate a SEV. Existing SEVs could continue to operate and new SEVs could be established without the need for a SEV licence.
- A.6** When deciding whether to pass a resolution requiring SEVs to be licensed, the Sub-Committee will require to consider potential implications that this may have in relation to the European Convention of Human Rights (ECHR). The Sub-Committee is required to take account of the competing ECHR rights of individuals alongside those of the community.
- A.7** The Sub-Committee will require to consider the rights which the SEV operators may have under the ECHR, particularly under Article 1, Protocol 1 (peaceful enjoyment of possessions) and Article 10 (freedom of expression), and should consider whether a decision to licence SEVs is proportionate and justifiable in accordance with these ECHR rights
- A.8** In addition to the ECHR, the Sub-Committee is required to give due regard to their Public Sector Equality Duty when making any decisions on the discretionary powers available to it under the 1982 Act.

A.9 The Sub-Committee must also have regard to the Provision of Services Regulations 2009 (as amended) and the Regulatory Reform (Scotland) Act 2011 when considering whether to pass a resolution to licence SEVs and if so, the appropriate number of SEVs in its area.

A.10 When determining the appropriate numbers of SEVs and which localities (if any) would be suitable for SEVs to be located, the local authority may have regard to the following factors:

- Whether there are any SEVs already operating in the locality;
- The character of the locality, e.g. principally residential, night-time economy, etc.;
The location of schools, places of worship, women’s refuges or other services focussed on supporting women, children and young people;
- Whether the locality is of historical or cultural importance;
- Whether the locality contains premises or areas which are frequented by children, young persons or families, for example parks, libraries or swimming pools; and
- Whether there have been incidents involving anti-social behaviour, sexual assaults, prostitution or more minor harassment reported within the locality.

The Sub-Committee is seeking views on:

- Do you think SEVs in East Lothian should be licensed? If so, why?
- Do you think there would be positive/negative impacts on SEV operators or workers if they were licensed? If yes, please explain what you think these would be?
- Do you think there would be positive/negative impacts on the communities and surrounding vicinity to SEVs if they were licensed? If yes, please explain what you think these would be?
- If SEVs were to be licensed, do you think the location of SEVs is an important consideration? – Please explain your answer.

B

Appendix B: If SEVs are to be licensed, what should the appropriate number be?

- B.1** If the Sub-Committee were to pass a resolution to licence SEVs, it has to determine and publicise the number of SEVs that they consider appropriate for the local authority area and each relevant locality within it. When reaching this decision the Sub-Committee would be required to take specific local circumstances into consideration when determining the appropriate number of SEVs.
- B.2** The Sub-Committee would be required to review the set number of SEVs deemed appropriate from time to time and update this if necessary.
- B.3** The number, taking into account ECHR and the grounds of reasonableness, can be set below the current number of SEVs or even at nil.

The Sub-Committee is seeking view on:

- Taking into account the factors referred to above, what do you think the appropriate number of SEVs should be for the various localities within the local authority area:
 - a) Residential areas
 - b) Rural areas
 - c) Industrial areas
 - d) Late night economy areas
 - e) The county as a wholeWhere possible, please explain your answer.
- What localities, if any, within East Lothian do you consider would be an appropriate location for a SEV?
- What localities, if any, within East Lothian, do you consider would be inappropriate for the location of a SEV?

C**Appendix C:
Developing a policy on the licensing and regulation of SEVs**

- C.1** If the Sub-Committee were to pass a resolution to licence SEVs, it would be obliged to develop and publish a SEV policy statement which would provide the public with a clear indication of the Sub-committee’s policy with regards to the licensing and regulation of SEV. A draft SEV policy statement, as detailed above would be subject to a separate consultation.
- C.2** The Sub-Committee should have regard to its policy statement when exercising any functions in relation to the licensing of SEV. It is also required, from time to time, to review the policy statement, revise it as appropriate and publish the revised statement.
- C.3** When preparing a SEV policy statement, section 45C(3) of the 1982 Act provides that a local authority must consider the impact of the licensing of SEV in their area, having particular regard 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
- C.4** In addition to preparing a SEV policy statement, the Sub-committee may develop licence conditions, i.e. specific requirements that the licence holder must comply with or risk having their licence suspended or revoked. The Sub-Committee would have the authority to attach standard conditions for all licenses granted for SEV, and also to impose individual conditions to licenses. If the Sub-Committee were to impose standard conditions for SEV licenses, these would be set out within the SEV policy statement.
- C.5** The following examples are all potential standard conditions which could be adopted as part of the SEV policy statement, should the Sub-Committee pass a resolution to licence SEVs:
- List of full names, dates of birth, nationality and contact details (address or telephone number) for all performers to be available on the premises for immediate production if requested by authorised local authority officers
 - Ensure immigration status is in order and actively seek to identify performers who may have been the victim of human trafficking

- Provision of hygienic changing and showering facilities and a toilet with access to hot water exclusively for the use of the performers
- Performers to be escorted by security to nominated taxi or to their car at end of shift
- Regulation of the display of advertisements on or connected to the venue
- The interior of the SEV not to be visible to passers-by
- The licence holder to ensure no physical contact between performers and customers
- The licence hold to ensure that customers do not offer or ask for any form of contact details from performers
- The licence holder to ensure no photographs or video recordings are taken of the performers

C.6 The purpose of imposing standard conditions for SEV licenses is to help protect the safety and wellbeing of performers, customers and the wider public

- Whether you believe that imposing standard conditions to SEV licenses would assist in safeguarding the wellbeing of performers, customers and the wider public?
- Whether you think that any of the example standard licence conditions noted above should be adopted as policy and included as standard conditions in SEV licences. Where possible, please explain your answer.
- Are there any other standard licence conditions that you think would be relevant?
- Can you make any suggestions as to how the Sub-Committee could adequately address the objectives within a SEV policy statement. The objectives being:
 - Preventing public nuisance, crime and disorder
 - Securing public safety
 - Protecting children and young people from harm, and
 - Reducing violence against women

Analysis of consultation on Licensing of Sexual Entertainment Venues in East Lothian.

Responses from:

Individuals	19
Organisations	8
Anonymous	3

Appendix A

Q4 Do you think SEVs in East Lothian should be licensed? If so, why?

Response

Yes	22
No	8

Comments (26)

- Potentially yes, but we would need to understand what/where/when. It's impossible to provide a blanket yes/no to this question.
- Not appropriate for the area of East Lothian.
- I think the Council should use its discretion to licence premises, speaking personally, taking a generally permissive attitude and leaving it to adults (16+) of voting age to make choices concerning their entertainment preferences. However, where the Council believes there is a genuine and identifiable risk to affected communities or the Police have formally expressed a view, this should be taken into consideration in the granting of a licence.
- It is making a commodity out of women's bodies
- This kind of business has a significant impact on the community it takes place within and as such should be licensed explicitly and with due consideration for that community.
- My primary reason is for the protection of the (mostly) female entertainers. If taxis and bars require licences, why wouldn't a business that employs staff who could be classed as vulnerable? Licensing such premises would keep track of the business owner and employer, ensuring they are not exploiting their staff; it would record to some extent the nature of the business and who works there; and it would place upon the business owner a certain responsibility to protect their staff and manage customers. It would give the Council greater power to control the existence of the businesses, thus limiting the opportunities for exploitation.
- Reluctantly yes, as I don't think there should be any SEVs in Scotland or East Lothian. I think we should be appalled at the very idea - I can't imagine that these venues would do anything other than exploit the people who work there, and act as a catalyst for rape and sexual assault of women in any community they are located in.
- Unnecessary and over bureaucratic.
- You don't have to visit if you don't like the idea
- Sexual entertainment venues promote objectification of women and sexual exploitation.
- Devalue the area
- It's highly likely that such venues will be women providing sexual entertainment. Women already gave huge struggles in life for equality and this will show that is acceptable. The council should be making sure women have a greater role in society, not dragging them back!
- This kind of entertainment will always happen and is better for all concerned if regulated rather than held 'in secret'
- Sex work in East Lothian is happening legally or not and I think the council having some sort of control over this by making it more 'legal' through the licensing board would go a long way to sex workers safety
- These are demeaning to women. Their existence normalises behaviours that are damaging to individuals and communities.

- I don't actually want sev's in east lothian but if the majority wish for sev's then they need to be licensed to try and prevent exploitation of vulnerable people
- If someone wants to open a venue like this I think it would be appropriate for establishing businesses to be registered with a license because of things such as the business employing people of the age of 18 and having to perform for people of an older age. They need proper protection rights and possibly a union that is in charge of making sure everything is safe for the staff and customers.
- Yes. Licences are key to keep sex workers safe and well at work. Sex workers are disproportionately women, selling entertainment or sex to men, and women are disproportionately affected by violence perpetuated by men. Sex workers are vulnerable because of the nature of their work and to allow, and encourage, them to work in unlicensed premises is dangerously neglectful. Similarly, sex entertainment venues have a history of attracting deviant and anti-social behaviour from customers. Without a licence the onus would be on the sex workers and owners to police this deviant and anti-social behaviour.
- Your definition of a sexual entertainment venue is imprecise and risks violating the rights of consenting adults. If two couples of consenting adults have dinner and then they decide to swim naked in a hot tub, then they will be caught by this legislation if it occurs more than 4 times a year. This legislation essentially bans sex workers (by this I include both those that sell sex as a service and those that sell services with nudity involved, such as naked butlers, masseuses, and dominatrixes) from working out of their homes, which is absurd as none, I repeat NONE of those services is illegal in Scotland. Prostitution is not illegal in Scotland (although street prostitution and brothels are). You are seeking to unlawfully ban prostitution while at the same time criminalising any consenting adult who engages in legal sexual acts.
- The country is hyper sexualised, parents shouldn't be dressing their kids up in fishnet so if you are going to have them open they should pay the state.
- A10 above demonstrates clearly that sex entertainment venues may have a detrimental social impact in the locality. This effect may also occur further afield, as users of sex entertainment venues may travel and move around the wider area.
Licencing enables East Lothian Council to monitor human rights and safety of the wider population, particularly taking into account the needs of vulnerable groups and individuals. The licence should go further, and a condition should be made of maintaining a register of all individual users of the sex entertainment venue. This would enable important track and trace for sexually transmitted diseases, as well as enabling basic monitoring of other social problems that section A10 implicitly associates with sex entertainment venues, including rape, sexual assault, child sexual abuse, sexual harassment and other inappropriate or threatening behaviour. Police and social work etc should have access to these registers.
- I can see no reason whatsoever to recognise the display of nudity for sexual gratification by licensing it.
- The Women's Support Project believes that it is appropriate to license sexual entertainment venues and we would request that venues operating specifically for sexual entertainment in East Lothian be set at 0.

The Scottish Government's current strategy on ending Violence Against Women and Girls notes that Commercial Sexual Exploitation causes harm to all women, by sanctioning objectification of women's bodies, and further notes that this harm to women collectively happens regardless of whether individuals claim liberation or empowerment from the activity. SEVs are not conducive to a society which values and respects women and rejects the commodification of women's bodies. They are also places which offer poor employment conditions to the women

working within, and which seek to exploit men as customers, as well as women as the 'product'.

WSP believes that such SEV are in direct contradiction of the Scottish Government's Equally Safe Strategy, the UN Declaration on the Elimination of Violence Against Women, particularly articles 1 – 3 and The European Convention on Human Rights in relation to women's rights in particular article 3 and 14. We also believe the local authority must consider its duties in relation to the Public Sector Equality Duty when considering sexual entertainment venues.

- Licenses are imperative, however, I think the number of SEV's in East Lothian and across Scotland, should be set at zero.

There is much evidence of the discriminatory nature of such premises and the dangers faced by female employees as well as the negative outcomes for women and girls living in surrounding areas as a result of the fuelling of misogynistic attitudes within.

Only last month a gang rape, including by management, was reported at the Rocket Strip Club, Birmingham. This is after several incidences at other Birmingham clubs, which includes the notorious Spearmint Rhino chain. Across the UK, 250 incidences have been recorded with over half in the strip trade.

Further, a large body of research and testimonies expose harassment, assaults and even rape as commonplace by both management and punters; that all regulation is circumvented and thus effectively meaningless; that councils are consistently misled as to the reality of the industry and the facts on SEV and Equality Law. This means Councils would potentially be routinely breaching the law.

The most important point is the difficulty of keeping women safe inside such venues, in their vicinity or from the wider misogyny that they directly fuel in and around the areas where they exist.

- As stated in 4.2, if the Sub-Committee does not adopt the discretionary power available to it to licence SEVs, these venues would not require to be licensed and could therefore be set up and could continue to operate without any direct regulation from the local authority.

However, in line with the East Lothian and Midlothian Public Protection Committee Position Statement on Commercial Sexual Exploitation (currently being updated) which recognises that CSE is a form of violence against women and girls we would ask the Licensing Board to approve a policy prohibiting SEVs in East Lothian.

- We believe that SEVs in Scotland and in East Lothian should be licensed. Unlicensed and unregulated venues will not provide people working there with the safety and rights that should extend to all workers in Scotland.

Q5 Do you think there would be positive/negative impacts on SEV operators or workers if they were licensed? If yes, please explain what you think these would be?

Response

Yes	25
No	4

Comments (25)

- It improves women's safety and ensures vulnerable people are not exploited
- Positive to have it regulated to limit opportunities for exploitation of the workers

- Impacts would be where licensing costs were prohibitive or used as a mechanism to dissuade applicants. This should not be the case whether for this type of licence nor any other.
- It is demeaning of women and a council should be enabling and empowering women to find alternative employment
- The positive impact would be that any sexual entertainment would be appropriately monitored, increasing protections and safety for workers.

A negative impact could be that the level of SEVs is set at zero. In the long term this could be a positive impact on women and girls who do not end up in this low paid, insecure and exploitative industry.

- This question is worded terribly. How is the respondent supposed to answer yes or no to "will there be positive or negative impacts"? Do you mean "will there be any impacts?"

Anyway, sorry, I'm an editor.

I've said yes because there are bound to be impacts. If the businesses are currently unlicensed, I'm assuming there will be costs involved in changing this system. And the workers themselves might prefer not to be "recorded", for whatever reason. But that's why I think they should be licensed -- so that everyone is protected, and there is no stigma attached to sex entertainment.

- Could be seen as a money making tax. What are the current problems that the Council hope to solve
- Fully licensed offers better protection to all involved
- Seriously, who put this questionnaire together? I expect there would be positive and negative impacts. Someone would certainly benefit financially! But I don't think it would be morally or socially beneficial to our society.
- Demoralising for the women/men that work there
- Safety, standards etc better if regulated
- I think there would be a positive impact on sex workers working in a licensed premises under safer controlled environments.
- Clearly licensing them leads to the right to operate venues so that is potentially positive for the workers.

In many cases though these workers and venues are controlled and operated by exploitative individuals so exactly how positive an impact expanding their operations would have is debatable

Who's rights take priority, the SEV managers and workers or those of the wider community?

- Positive
- I think it will make it a lot harder for people to get into the business and run the business without a consideration of the employees
- As above, licences can help operators keep their workers safe.

Without licences, there is the danger that anyone can open and operate a SEV and those without the knowledge and experience of how to support sex workers could therefore put their employees at risk.

The lack of licensing also sets a precedent for SEV to be opened without question. Licensing,

like that of premises selling alcohol, makes it clear to the community that there are parameters in place for these venues and that the council/police have a duty of care to the community/operators/employees/ customers to keep them safe and well.

- How much will the license be? How will the data be protected?

If you go ahead with this legislation, then private individuals who host non-financial parties of a sexual nature for consenting adults will be forced to register. Given the high price of sexual shop licenses in the past, the financial burden is punitive. Furthermore, there is a chance that this data, the register and the names held within, may be leaked to the public by malicious hackers or disgruntled individuals. This will place these otherwise harmless individuals at risk of discrimination and possibly even bodily harm from their consensual sexual practices. This will encompass people on the LGBT spectrum, who are targeted simply because of their sexuality. We have all seen how rumours online spiral out of control and culminate in mobs. You are inviting violence.

- They would probably be safer and more secure in their business, also the state would have their details for if we were to bring back the death penalty to degenerate jobs.
- Standards of health and safety at work could be better monitored.
Potential problems of sexual exploitation of workers might be better addressed.
Maintaining a register of users would provide a level of accountability and possibly protection against abuse.
Licencing the sex entertainment venues would help to make this industry more visible, so that protections for workers can be put in place as and when necessary.
- I can't speak with any authority but I would imagine that any operation that was acting in a coercive or exploitative way would not bother to seek to be licensed so I cannot see that it would bring any benefit to operators or workers.
- Better regulation likely to lead to better experience for workers.
- If the authority where to introduce the need for licences and they where to set the number above 0 this could provide some protection to the performers (mainly women) and potentially allow conditions to be placed which could lead to improved work conditions for the performers in such venues.
It would also allow the authority to place restrictions on the areas in which SEVs could be set up which could protect the community, this may impact on the operators of SEVs in terms of where these can be sited.
- There should be no SEV's in East Lothian. Outcomes are all negative for workers and the community.

As above, a large body of research and testimonies expose harassment, assaults and even rape as commonplace by both management and punters; that all regulation is circumvented and thus effectively meaningless; that councils are consistently misled as to the reality of the industry and the facts on SEV and Equality Law. This means our Councils would potentially be breaching the law.

- The positive would be that there would be a regulatory framework clarifying the rights of workers and operators.
- At SCOT-PEP we are only concerned with the welfare of workers. We are certain that licensing SEVs will have an impact on performers, but whether it will be positive or negative depends entirely on the licensing conditions, which is why we call on East Lothian Council to engage with the stripper trade union (branch of UVW) to seek their input on licensing conditions, as it's their safety and rights that will be affected by your decisions.

Q6 Do you think there would be positive/negative impacts on the communities and surrounding vicinity to SEVs if they were licensed? If yes, please explain what you think these would be?

Response

Yes 25
No 5

Comments (26)

- No one wants this kind of thing in their neighbourhood but the same could be said of remand centres or drug rehabilitation clinics.
Personally I think public awareness and consultation would help as well as ensuring negative aspects like kerb crawling or lewd behaviour is rigorously prosecuted.
Overall licensing is the better outcome as licencing entails a far worse outcome
 - If they should be in a particular place at all (different question), it's hard to see why licensing would impact negatively
 - Anti social behaviour will reduce
 - Speaking as a resident rather than a representative of the CC, I generally doubt that this will affect the community of East Lothian. That is assuming the location of such venues are centred on the larger towns such as Musselburgh.
 - Encouraging a culture of oppression of women
 - Communities could object to licenses. The level of licenses could be set at zero.
 - "Impacts". I can offer you a proofreading service at very reasonable rates...!
- I don't see that licensing a business would have much of an impact on the community? Having one open up in the area would have an effect, though.
- As above, I would be concerned for my safety and that of any women and girls living anywhere near such a venue
 - Positive if it prevented a premises was near a built up area or near a school
 - You're havin' a laugh! I think there would be significant concern caused in the surrounding community. These venues create a hostile environment around them as they often attract men with aggressive tendencies.
 - They would think ok to pay for this kind of thing... absolutely disgusting behaviour !
 - They would have a chance to object!
 - I think there would possibly be some objection from a minority but the majority are more open minded and accepting of sex work these days.
 - Negative, from personal experience I know that women out and about in areas where sex workers operate are more likely to be harassed. It creates an environment where it is seen as acceptable to objectify and dominate women.
 - Positive if sev's go ahead because the population knows the sev's should be controlled
 - A positive impact is everyone will know the establishment is official and not just a random business opening up with a license to sell alcohol. A negative impact would be it would be harder for businesses in the SEV sector to open and they could've potentially been very good for the community.
 - Licensing provides a further layer of protection for the community to ensure that SEVs cannot open in abundance and in areas where it is inappropriate.

As sex workers are disproportionately women, and sex workers are at risk of violence and sexual violence, it's not appropriate for these venues to open freely and without limitation. As

someone who works with young people, I would not want young women to have access to work in SEV that is unregulated and therefore unsafe. Young women must not be able to work in the sex industry without licensing and regulation to keep them safe.

- Again, there will not be a single person who, whether out of hate or sheer salacious curiosity would not pass up the opportunity to find out if there are any sexual entertainment “venues” near them. This clearly infringes upon the privacy of law-abiding individuals.
- If those with a licence are living it up, girls will look up to the women with the licences and be influenced by the work.
- The positive impact would be that sex entertainment venues could be monitored by East Lothian Council, and the location and operating conditions could therefore be managed. The negative impact may be on things like house prices because prospective buyers may be made aware of the location of sex entertainment venues, and decide not to purchase on that basis. Of course, protecting the value of your house is not a basic human right under the European Convention of Human Rights. In fact, the council might consider this a reason to locate them in residential areas where house prices are excessively high, such as Archerfield Village, Gullane, North Berwick, in order to promote equity.
- I would think that most businesses and residential areas would find proximity to an SEV, licensed or not, an unwelcome intrusion.
- Licensing likely to lead to more appropriate locations and more control.
- A licensing regime could protect communities from issues which come from the operation of late night premises, it can also make sure that these aren't sited in inappropriate areas and that there are considerations taken re publicity of venues and access and egress and smoking areas.

We believe one of the main communities to be impacted by SEVs are women (those who perform in venues as well as women in the general population).

Campaigning organisation, Object, have clearly defined the harm to women and girls that is exacerbated by the presence sexual entertainment venues in towns across the UK.

They state that, “... any industry that markets women as sexual objects and which promotes working practices that implicitly encourage men to expect and seek sexual services is part of the sex industry and not part of the leisure industry. These working practices include a requirement that women pay rent to work and a high performer to customer ratio which leads to intense competition between performers to gain the attention of male customers. It is within this context that women report feeling pressured to provide extra sexual services in private booths in order to earn a wage.”

The provision of visual entertainment for the purpose of sexual stimulation serves only to increase the sexual objectification of women and girls and to normalise the sexualisation of girls from a very early age. The normalisation and acceptance of this process of sexualising girls is seen as major online retailers are selling pole dancing kits with paper money in their ‘toys and games’ section thus encouraging attitudes about pole dancing that view it as ‘fun’ or ‘chic’ or even as ‘healthy exercise’.

Research studies carried out by a number of institutions since 2000 have shown the harm to women and girls caused by the presence of strip clubs, lap dancing clubs and other sexual entertainment venues in their locality. Kelly et al (2007) found that the presence of sexual entertainment venues in localities increase the demand for prostitution services

A 2003 study carried out by Eaves Housing for Women in the London Borough of Camden found that there was a 50% increase in sexual assaults in the borough after the rapid expansion of lap dancing clubs.

- Wholly negative and disproportionately affecting women and girls.

Research shows that women and children are left feeling less safe in the vicinity of SEV's and less safe as a result of the wider misogyny that they directly fuel in and around the areas where they exist.

There are serious concerns about the impact of establishments like these on the objectification of women. When Sheffield council consulted on the issue, various women came forward to say they had experienced harassment by men visiting their licensed clubs.

One woman, who had a studio opposite a club, said one of the reasons she gave it up was because of her negative experience of working so close to the lap-dancing club. She said she was "harassed by men hanging around outside the club" and it made the area feel "unsafe, testosterone-filled and unpleasant to move around in".

Sheffield council have had to admit in court its failure to consider community impact when licensing a club.

- The positive impact would be that communities would be aware of the activity and the regulation of this and their rights as neighbours.
- Everyone working at any SEV in the UK at the moment – performers, DJs, bar staff, cleaners, security guards - is part of the local community. They are the people who would be out of work if not for this venue, and their earnings go towards improving their lives and the lives of their families, and, by extension, the community. We see people safe at work as a positive impact. And the right standard conditions to SEV licences will provide workers with labour rights and job security that they are currently lacking.

Q7 If SEVs were to be licensed, do you think the location of SEVs is an important consideration? – Please explain your answer.

Response

Yes	28
No	2

Comments (26)

- No one wants this kind of thing in their neighbourhood but the same could be said of remand centres or drug rehabilitation clinics.
Personally I think public awareness and consultation would help as well as ensuring negative aspects like kerb crawling or lewd behaviour is rigorously prosecuted.
Overall licensing is the better outcome as no licencing entails a far worse outcome.
Safety is the primary consideration.
- Obviously - it needs to take into account the feelings of the neighbourhood/social profile eg not by schools etc.
But also they should not be hidden away in seedy backstreets where workers are not safe coming and going and the stigma associated with this work is perpetuated.
It would be good to see normalisation of sex work assisted through the sensitive /supportive placement of SEVs
- Most venues in Eastlothian are located near residential areas

- As per my previous answer, I think an adult venue ought to be sensitive to the location. It should not be anywhere near educational establishments for example.
 - Not visible or accessible to young people
 - It is not appropriate to locate SEVs near schools, other childcare setting or anywhere frequented by children and families; domestic abuse refugees, rape crisis centres and similar provision. Many women do not feel safe around SEVs due to the clientele (legitimately so, as numerous studies have shown links between objectification of women and violence against women) so this should also be considered.
 - The location is a paramount consideration. Not on a housing estate, for example. The flashing red lights might upset the neighbours.
 - It's not rocket science to think that a proportion of men may well come out of venues like this and proceed to assault women.
-
- SEVs should not be licenced in East Lothian. I do not think there is any location suitable for them.
 - Keep it away from this area altogether and leave it to the big cities if they want that
 - Well away from communities where these venues are visible to children
 - Have to think of the impact on the neighbourhood
 - Residential areas/school areas etc would not be appropriate, common sense would need to be brought into play here
 - Anywhere near domestic residences or places people pass by on foot at night in particularly would be a bad idea. It will make women feel unsafe.
 - So that control can be maximised
 - Everyone should have access to SEV's as I believe it's a human right for the purpose of education, entertainment and freedom of expression for employees and customers to have access to these premises. Any person or persons against this is taking away freedoms that are highly needed for people to have the right education on any sexual orientated entertainment.
 - As above, SEVs can lead to deviant and anti-social behaviour. The location of SEVs needs to bear in mind that the community needs to be kept safe from this behaviour and similarly the workers need to be in a place of safety.

The nature of SEVs can lead to misconception about both the workers and women in the wider community. I would have concerns about customers of a SEV coming out in to the community and enacting the behaviour that has been encouraged by the power imbalance of a SEV. This is a very nuanced issue and I would hope that a further consultation would be warranted.

- If you are set with going forward with this, then why not simply tie it to alcohol licenses? An alcohol license is not required for a house party, nor should a sexual entertainment license be required for sexual entertaining in a private residence. That would ensure that you snag all your scary brothels and strip clubs while leaving money-free private individuals alone.
- Okay, open one between a church and a mosque and see what happens. In my opinion any sex work is degenerate work and degenerates should get the death penalty.
- Section A10 implicitly accepts that sex entertainment venues pose a significant potential risk to women, children and family groups. Sex entertainment venues objectify people, primarily young women, and there is an implicit understanding in section A10 that men who have visited sex entertainment venues may go on to commit rape, sexual assault, child abuse or sexual harassment in the immediate vicinity of the venue. Consequently sex entertainment venues should NOT be located in residential areas or places frequented by young people for

either formal or informal recreation. Likewise sex entertainment venues pose a particular risk in areas of 'night time entertainment ' where alcohol increases the risk that young women may be sexually assaulted or raped.

Like golf clubs, that other bastion of male dominated entertainment, they should be located well away from both nightlife and residential areas. Young women should feel safe to go out at night and enjoy pubs and clubs without fear of assault.

- Definitely NOT in residential areas and definitely not close to schools, public parks etc. Whether true or not, it would be my expectation that people who pay for sexual gratification or who are willing to watch titillating content live, may not be the safest people to have around children.
- E.g. not next door to a school!
- We have concerns that the existence of SEVs creates areas where women may not be comfortable to go – creating divisions and exclusion.

The Royal Town planning Institute found that “In relation to the 24-hour economy policy, ensure that the views of women are considered. Evidence shows that in certain locations, lap-dancing and exotic dancing clubs make women feel threatened or uncomfortable” and ‘. . . “women describe feeling frightened, disempowered, violated, embarrassed, unsafe (particularly if men are around) and avoid certain streets at night where they know there is a lap dancing club.’

This feeling of intimidation and avoidance measures women take, goes far beyond when the club is operating at night. As highlighted in the journal Criminal Justice Matters:- “Women also reported avoiding certain streets and feeling frightened in the day time, when the clubs are closed. It is the existence of the clubs that causes women to feel alienated in public space at all times, and fearful of the threat of violence posed by the sexual objectification of women.”

The Institute goes on to explain If women feel threatened and uncomfortable by the presence of a strip club then their very presence amounts to a form of discrimination, as it prevents full access and freedom of movement by women in a city or area , “If a woman, whether objectively justified or not, fears to use part of the town centre characterised by sex establishments, this may be argued to amount to discrimination, in that her access to the public infrastructure of the town is impaired in comparison to that of men. Where relevant these considerations ought properly to be taken into account by authorities at the decision-making stage, and possibly at the policy-making stage”

In terms of the location of SEV's we believe local authorities need to look at issues of their localities and consider a range of issues such as:

- the location of schools
- the location of places of worship
- the location of heavily residential areas
- whether there have been incidents involving anti-social behaviour, sexual assaults or more minor harassment reported in any particular area
- whether there have been incidents of human trafficking or exploitation locally.

In addition we would suggest inclusions of a limit on proximity to

- women's refuges and shelters,
- support services and agencies dealing with any equality issue or protected characteristic

- supported accommodation or services for vulnerable young people or adults,
- support services and agencies dealing with any social or health issue eg housing, mental health, addictions, housing / homelessness
- any youth projects or community projects.
- prevalence of other forms of commercial sexual exploitation, including prostitution
- instance of reported crimes involving violence against women and girls
- There should be none in East Lothian.

East Lothian is currently well known as a great place to live and work, grow up in, bring up a family in and retire to. The existence of SEVs within any part of the council area would only be detrimental to the sense of safety and well being that the majority of our residents know and enjoy.

I have lived in East Lothian for 30 years and my family have also chosen to live here. None of us would want an SEV in any East Lothian town due to their profoundly negative impact on safety particularly for women and girls as explained above.

- It is our view that there is no appropriate location for SEVs - in line with the East Lothian and Midlothian Public Protection Committee position statement on Commercial Sexual Exploitation.
- We believe the location of a SEV is an important factor in the performers' safety and work satisfaction. Performers are most vulnerable to sexual harassment and stalking when leaving work after their shift. If the venue is in a town centre or a late-night economy area, they will have the protection of a well-lit busy street, with good public transport links, which is why we advise against rural and industrial areas. Areas that are hard to reach will also lead to a decrease in clientele, which means a decrease in resources for the workers, which in turn reduces the workers' bargaining power with both the SEV management and clientele.

Analysis of consultation on Licensing of Sexual Entertainment Venues in East Lothian.Responses from:

Individuals	19
Organisations	8
Anonymous	3

Appendix B

Q8 Taking into account the factors referred to above, what do you think the appropriate number of SEVs should be for the various localities within the local authority area:

- a) Residential areas
- b) Rural areas
- c) Industrial areas
- d) Late night economy areas
- e) The county as a whole

Where possible, please explain your answer.

Comments (29)

- I dont know
- No idea! Surely demand would dicate?
- None
- As SEVs will likely also be seeking a drinks licence it may reasonably fall under the guidelines for the appropriate number of establishments already deemed optimal in a given area.
- Mone
- Zero for all areas. SEVs monetise the sexual exploitation and objectification of women. The women who work there see very little of the profit. SEVs are often sites of prostitution and therefore are possible venues for trafficking. They make communities unsafe for women and girls. Any perceived benefits of allowing SEVs to operate in East Lothian are far outweighed by the disadvantaged
- I'm stuck here. I'm a woman who hasn't ever gone to a strip club and I haven't studied the impact of SEVs on a community, or what the market requirement for them is. I mean, how many strip clubs do men need?
- As previously stated, I don't think that SEVs should exist at all in a modern and forward thinking Scotland. Violence and sexual assault against women and girls is already at horrifying levels.
- A zero. B a few c unrestricted d N/ A
- A) 4
B) 4
C)2
D)3
E)10
- A) 0
B) 0
C) 0
D) 0
E) 0
F) 0
G) 0
H) 0
...
- None

- a) none
- b) none (transport difficulties)
- c) not relevant to industrial areas
- d) obvious place to put such a venue
- e) one should be enough!
- e) its a tough question to answer in detail
- Zero
- A, B, C =0 D = X>2
- There will only be a finite number of people wanting to run a business like that so I don't think they should even take this into consideration. So my answer would be as many as 10 for any area.
- In East Lothian, nil across the board.

SEVs are not appropriate for residential areas because of the deviant and anti-social behaviour that the power imbalance from within the SEV can promote.

Similarly SEVs are not appropriate for secluded, rural areas as it is not safe for workers to attend their place of work in these circumstances.

The late night economy in EL is not significant enough for it to warrant a ride in SEVs.

- It is absurd to ask people for a number of venues. Does the average person know how many petrol stations should be allowed in one area? No. Given your agenda, I suspect that this is a loaded question where the only answer you're looking for is "none". On the contrary, I will answer, "as many as apply", because no business or individual would go through the hassle and expense of applying unless they thought there was demand.
- East Lothian Council should survey potential users of sex entertainment venues. Once the scale and pattern of demand from local people is understood, a decision could better be made. Put out a similar survey to this one and see what the response is. Is there demand from East Lothian residents? If demand is likely to come from outwith the county, ELC should consider what they are opening themselves up to, and why.

- 0
- 0

A) Residentail. zero.

Sex entertainment venues are not appropriate in residential areas because of the social risk of criminal or inappropriate behaviour outlined in A10 above.

B) Rural. Perhaps 1

Possibly next to an established male dominated entertainment venue such as a golf club, if a golf club considers this to be an appropriate addition to their entertainment offer.

C) Industrial area. Zero.

Industrial areas are places of work. A sex entertainment venue would be intimidating for women in the workplace. Women should not have to put up with intimidation or danger from inappropriate or criminal behaviour that is associated with sex entertainment venues in order to go to work.

D)late night economy areas. Zero.

Because of the concerns highlighted in section A10, sex entertainment venues pose a particularly high level of risk to young women in late night economy areas. Young women should be able to enjoy a night life in pubs and clubs without danger or intimidation.

E)the county as a whole. I would prefer zero sex entertainment venues. However, if it is considered that denying this form of entertainment contravenes the European Convention on Human Rights or equality law then one sex entertainment venue located away from residential, industrial, and night time economy areas, and monitored by registering users, might be acceptable.

- None
- I have no idea what the correct number of venues might be. It would probably have to be driven by economic demand and this may have the benefit of improving the offer. As for location, if there are to be SEV, they should be located in late night economy areas only.
- To be decided later.
- For East Lothian the appropriate number would be 0 see previous answers re the reasons for considering these harmful and against the councils commitment to addressing Violence Against Women and Girls as well as contrary to their responsibilities under the Public Sector Equality Duty.
- Zero is the only appropriate number.
- Zero – there should be no SEVs in any locality. A zero tolerance position should be adopted across the whole county.
- There are currently no SEVs in East Lothian, but there are successful, well-established strip clubs operating nearby in Edinburgh, and a little further away in Glasgow. This likely makes it economically impractical for any SEV premises to open in East Lothian and therefore the Council is unlikely to receive SEV applications. However, should the circumstances change and the demand for such a venue in East Lothian were to arise, setting the appropriate number of SEVs at nil right now will result in unlicensed strip clubs and pop-up venues proliferating, as well as demand for performances at private accommodation, for example stag nights at a holiday let. In all of these scenarios the performers end up working without health and safety measures in place, without appropriate security or CCTV, and any crimes that will be committed against them will go unreported. Workers in unlicensed or illegal workplaces will avoid contact with the police and other authorities for fear of having their work place shut down and losing their livelihood. We suggest that the Council set no limit for the number of SEVs in East Lothian and judge SEV applications on a case-by-case basis, should one ever come.

Q9 What localities, if any, within East Lothian do you consider would be an appropriate location for a SEV?

Comments (28)

- Commercial
- All, potentially, except near schools and areas where young people live/congregate
- None
- Larger conurbations such as Musselburgh, North Berwick, Dunbar and Haddington seem the most obvious locations if such venues were to be licensed in the future and factoring in the comments regarding drinks licensing and opening hours mentioned.
- None
- None.
- Busy high streets and town centres.
- None
- .Musselburgh
- North Berwick
Musselburgh
Dunbar
- NONE.
- None
- East of the county is largely dormitory/residential now so somewhere in the west.
- The towns only
- I don't believe they should be licensed, this is not a well designed survey!
- Musselburgh

- There is a lot of waste land areas in small towns such as Haddington I can think of from the top of my head that would be more than perfect for establishing a business like this.
- None.
- I have no information about the question.
- 0
- None
- Archerfield Estate golf club or Renaissance Golf club, or similar venue away from public locations.
- None
- None
- Not qualified to say.
- None
- Absolutely none/nowhere.
- None - as per 8 above.

Q10 What localities, if any, within East Lothian, do you consider would be inappropriate for the location of a SEV?

Comments (28)

- Residential areas, school zones and the High Street
- High Streets
- Villages and near schools
- See above. Everywhere rural should generally be off limits.
- All
- All.
- Residential areas and near schools.
- All
- Gullane, North Berwick, Dunbar
- None
- Where ever you're thinking of putting them.
- None
- None
- Towns in the east, doesn't fit the profile of these places
- small villages, anywhere near large housing areas
- N/a to my viewpoint
- The rest of east lothian except for Musselburgh
- You wouldn't pop one of these beside the Jehovah's witnesses would you?
- All localities are inappropriate for SEVs in East Lothian.
- I have no information about this question.
- More than 0
- The whole county
- Towns, villages, houses in the countryside, night time economy areas, places of work such as industrial estates, parks, beaches, swimming pools, schools, libraries, universities cycle routes, or footpaths.
- Residential areas
- All
- Not next to areas used by children, residential areas, next to women's refuge etc. etc.

- All areas in East Lothian are inappropriate for an SEV. There should be none in East Lothian anywhere.
- All localities are inappropriate - as per 8 above

Analysis of consultation on Licensing of Sexual Entertainment Venues in East Lothian.

Responses from:

Individuals	19
Organisations	8
Anonymous	3

Appendix C

Q11 Do you believe that imposing standard conditions to SEV licenses would assist in safeguarding the wellbeing of performers, customers and the wider public?

Responses

Yes	24
No	4

Comments (20)

- Yes
- Regulating and licencing ought to protect people working in this area.
- If they are licensed at all the above measures would be necessary to reduce the harm to workers and communities. They would only do so if properly monitored, with sufficient sanctions for failing to meet these conditions.

I have said 'yes' they would assist - to be clear I do not believe they would go far enough.

- I'm glad to read all this info further into the survey. Protection of the workers was my main reason for agreeing with licensing. I think it would set out a bar by which employers know what they need to do to take responsible care of their employees -- and it also imposes a degree of responsibility for controlling their clientele, too. If a venue is showing its employees respect, the punters are also more likely to. I assume. I don't have the experience...
- I'd like to think that it would act as a potential deterrent for the trafficking of women and girls, but suspect that ultimately the people who deal in human traffic would find ways to subvert any process.
- Partial
- No number of conditions change the immoral practice of SEVs
- Should be very regulated and not in our area as this is reknowned for holidays
- Put it in the right place. Protect the performers and inappropriate overspill into the neighbourhood
- Making SEVs adhere to standards would make sex work safe for those already working in poor and unsafe environments
- Yes it only makes sense.
- Absolutely. SEVs need to be regulated to ensure safe working conditions for workers and for customers.
- While your stated aims could be considered noble, I ask you, where is the dignity for the workers? I think that human trafficking and exploitation is appalling absurd should be stopped in all industries, including sex work, agriculture, nail salmon, and domestic labour. I ask that you provide the individuals targeted in this legislation to be treated with the same respect you give those in other industries.

Furthermore, you may actually be endangering the lives of those whom you claim to want to protect. Numerous studies have shown that when prostitution is illegal (as it would be under your proposal), attacks on sex workers go up.

- Conditions should be that they get the snip to stop reproduction.

- The standard conditions listed in c5 help to prevent sex trafficking of vulnerable young people.
Customers and the wider public would be safeguarded if these conditions were extended to all clients and customers at the sex entertainment venue.
- Best to have a framework for regulation.
- If East Lothian Council decides to license SEVs then it must claim a certain level of responsibility for women's safety in these establishments and include license conditions that will help mitigate the harm caused by this form of exploitation. We believe here should be a set of mandatory conditions held within the local authority policy statement on SEVs. The focus must be on the requirements of the SEV operator and not a set of expectations on individual performers to regulate their own working environment nor manage paying customers inappropriate behaviour.
- As stated in previous answers, research has shown that, despite conditions on licenses, the safety and wellbeing of performers and the wider public is compromised.
- In response to all of the above points enabling the selling or exchanging of sex will clearly adversely affect the SEV policy objectives outlined above.

The existence of SEVs, licensed or otherwise, would enable and therefore increase violence against women; this would likely reduce public safety and also cause harm to children and young people in the area.

Furthermore, the East Lothian and Midlothian Critical Services Oversight Group and Public Protection Committee's Position Statement on Commercial Sexual Exploitation approved on 01/08/2018 states:

"Both the East Lothian and Midlothian CSOG and the East Lothian and Midlothian Public Protection Committee (EMPPC) support the National Violence Against Women Network's (NVAWN) view that CSE is a gendered issue, stemming from gender inequality and is created and maintained by the demand from men to buy sexual access to women.

We advocate measures that effect a shift in culture and challenge demand for sexual services from women, which includes decriminalising individuals exploited through the sex industry and providing long term support and exiting services for those exploited. In line with Equally Safe, Scotland's Strategy for preventing and eradicating Violence Against Women and Girls (2016) CSOG and EMPPC supports a focus on prevention through the delivery of relationship education within the Health and Wellbeing Curriculum and also support the establishment of a legislative framework in Scotland that is founded on addressing the causes of commercial sexual exploitation (i.e. gender inequality and the demand from men to buy sexual access to women)."

Location:

https://emppc.org.uk/file/Public_Protection_front_page/CSOG_Commercial_Sexual_Exploitation_position_statement-_01-08-18.pdf

The CSE Position Statement is under review with a revised draft position as follows - extract:

"Our Position

This document sets out our Partnership's position on commercial sexual exploitation as one of the forms of violence against women and girls. We believe that commercial sexual exploitation (including prostitution) is harmful to individuals, families and communities. We need to provide appropriate support to reduce harm and increase options to empower

people to exit commercial sexual exploitation.

- We believe that commercial sexual exploitation is a form of gender-based violence which is caused and perpetuated by gender inequality in society
- We reject the view that this is a valid form of work and / or a civil right, which should be legalised and regulated.
- We recognise that while the majority of those affected are women, men and young people can also be involved in commercial sexual exploitation.
- We advocate that appropriate support is provided to all those involved to mitigate harm and provide alternatives for those who want to exit prostitution.

With this Position Statement we are aligning with emerging national policy challenging men's demand to purchase sex from women, or from men. It also confirms our commitment to Equally Safe Priority 4: Men desist from all forms of violence against women and girls and perpetrators of such violence receive a robust and effective response. This Position Statement commits us to a holistic approach addressing the root causes of violence against women and girls i.e. gender inequality."

- We agree that the right standard conditions to SEV licences, chosen with the help of performers, will assist in safeguarding the wellbeing and labour rights of performers. We fully support the Council in building certain SEV licence holder obligations into the future policy in the hope that these obligations will support the human and labour rights of performers, not impinge on them. Please seek input from sex worker-led organisations and the stripper trade union.

Q12 Do you think that any of the example standard licence conditions noted above should be adopted as policy and included as standard conditions in SEV licenses?

Responses

Yes 20

No 6

Comments (21)

- Not sure why no contact between performers and audience?
We need to legalise sex work of all sorts, and licence/legitimise it to protect those working in it and make it harder for others to exploit them or to socially stigmatise them.
- With the proviso that less is more, the minimum possible to viably operate ought to be demanded of any organisation or individual seeking a licence of any type from the Council.
- But they should not be offerrd
- All are necessary, should SEVs be allowed to operate.
- See above.
- If these venues had to exist, any precautions that maintain security would be important. I'd love to see how you plan to police and enforce this with current limits to Police Scotland's capacity.
- Safe working environment
- Nope, unless it's...
C.7 SEV's have no place in East Lothian.
- Stay away from our beautiful county. We are full of little town and villages . No need for such a thing here.
- Particularly the nationality of performers

- As above, sex workers need to be protected
- I think they are good policies but it's the employees who should really make all these.
- Yes, but specific conditions would be more appropriate.
- For reasons explained elsewhere, the definitions given here, particularly as regards “sexual entertainment” are too vague to be useful or safe.
- List of full details of the person, the state will not pay for any of their security, no.
- The above mentioned examples are a bare minimum requirement.
- Probably all.
- Conditions should be focused on protecting the women contracted as lap dancers and should include:
 - rules to be displayed at appropriate locations within the venue of customer conduct that is deemed acceptable e.g. customers to remain fully clothed at all times
 - list of full names, dates of birth, nationality and contact details (address or telephone number) for all performers to be available on the premises for immediate production if requested by Police or local authority officers.
 - ensure immigration status is in order and performers have not been the victims of human trafficking
 - employment of security guards
 - use and storage of CCTV
 - provision of hygienic changing facilities and a toilet with access to hot water exclusively for the use of the performers
 - set break times for performers
 - the provision of a break room exclusively for the use of the performers
 - performers to be escorted by security to nominated taxi or to their car at end of shift
 - No full nudity – performers must be partially clothed in performance area and performers to remain clothed outwith performance area
 - no physical contact between performers and customers with a distance of 1 metre
 - no private secluded booths or areas
 - customers are to be fully clothed at all times
 - license holder to ensure customers do not offer payment in return for sexual favours
 - license holder to ensure customers do not offer any form of contact details to performers’
 - ‘license holder to ensure no one engages in any unlawful activity within SEV’.
 - no photographs or video recordings to be taken.
- None, simply no SEVs in East Lothian.
- as 11. above
- We are concerned with the Council’s proposal to “actively seek to identify” victims of trafficking among the migrant applicants. To our knowledge there have not been any instances of trafficking in the UK taking place in a licenced SEV. Implying that the sex industry has a stronger connection with trafficking than any other industry contributes to greater stigma against workers.
Without a labour-rights approach and clearly defined steps on how to "actively seek to identify" anything, this licensing condition will create unreasonably lengthy and intrusive checks on migrant workers which do not result in a better or safer workplace. Unnecessary or unusual hiring policy recommendations will simply lead to discriminatory hiring practices and racial profiling.

We also do not understand why police or any other authority would need the list of performers' personal details on demand. SEV performers aren't criminals on probation. The Council is licensing a legitimate business, not a criminal activity, and we are concerned about workers' personal information being held and distributed in this way. Employers in the UK are obligated to keep sensitive data, such as personal details of their employees, securely - not to share them on demand. If anyone needs a list of employees' personal details, be it at a SEV or any other place of work in East Lothian, they can request this information through the usual legal channels.

We appreciate that the Council intends to provide a safe way for performers to leave work. The suggestion for performers to be escorted to their cabs or cars will exclude those performers who can't afford a car or a cab ride each night, meaning that they may simply not be hired to avoid complications. We suggest that instead of "one size fits all" approach, the Council makes SEV licence holders responsible to find the safest option for their employees.

We are glad to see that the Council recommends bathrooms and changing facilities/ break rooms exclusively for the performers. We would like to ask the Council to include that these spaces should be comfortable to use, with seating, lockers, ventilation and functioning heating, preferably with facilities to make hot drinks and with a supply of cold drinking water. The size of the room should be appropriate to the number of performers employed by the SEV.

Q13 Are there any other standard licence conditions that you think would be relevant?

Comments (11)

- There need to be strict procedures to ensure that trafficked human beings are not being forced into this work.
- No
- SEV's have no place in our society. We can do better.
- Noise levels
- I can't say because I don't work in the sector.
- No comment.
- Can't have children, that's now illegal for them. They have to be sterilised.
-
- A register of names, contact details, place of occupation, nationality, I'd such as passport etc should be maintained for all customers, as it is for performers.
Customers are clearly considered to pose a risk of sexual assault or rape to both performers and to women generally in the vicinity of the sex entertainment venue.

- see above
- None, simply no SEVs in East Lothian.
- - SEV licence holders to provide performers with a clear pathway for complaints against the SEV management - preferably to an independent party, with the right to appeal. This should be made available to all performers upon joining the establishment.
- - SEV license holders to remain responsible for the health and safety of all people working on their premises. These responsibilities should not be discharged by claiming that the performers are self-employed.
- - Regular mandatory Health and Safety checks by the Licensing Committee.
- - The licence should make clear the right of the performers to unionise and to bargain collectively for improved working conditions.

Q14 Can you make any suggestions as to how the Sub-committee could adequately address the objectives within a SEV policy statement? The objectives being:

Preventing public nuisance, crime and disorder

Securing public safety

Protecting children and young people from harm

Reducing violence against women

Comments (23)

- Consult deeply with those who work in this industry, and respond to what they say they need in terms of protections, rights and respect. The findings of this consultation should be at the heart of any policy statement
- Adopting existing practices as regards liquor licensing and working in concert with the Police to protect staff and residents who may be affected.
- You are exposing vulnerable women to more exploitation
- The only way to do this effectively is to set the number of SEVs at zero.
- Liaise with the police, especially those who have experience of policing "saunas" in Edinburgh. Are there any studies or reports on sex work? There must be. Look those up and liaise with the experts.
- Stand up and say publicly that such venues are not welcome in East Lothian and in Scotland, and that the sub-committee believes in protection for women and girls above all other concerns.
- No, I'm sure you'll have it covered
- Seriously, look at the concerns you have listed. If you even have to consider these it should tell you SEV's are not appropriate for our communities.
- Don't even consider it
- no
- I think there would need to be a big awareness campaign to make residents of East Lothian aware of the reasons why having SEVs in the county is important and using the objectives to sell that message
- These objectives are so clearly at odds with the very existence of SEVs it is difficult to engage with this question.
- Monthly licensing, a high licensing tariff, regular reviews, "mystery shopper" type visit to gain assurance compliance is maintained
- Make the entrance of the establishment have education on the premises.

- Firstly, allowing the public a more accessible way of giving their views is crucial.

This current consultation form is laborious and time consuming to complete and even more time consuming to read through. This is not a fair or equitable way of ensuring the community is able to have a say in SEV policy.

The sub-committee need to address the inescapable fact that sex workers are subject to work place violence. The NSWP says that 30% of female sexual workers experience regular violence within formal indoor establishments. This rises to 70% for informal or out door venues. Regulation and licensing must be mandatory to keep women safe.

Similarly, East Lothian Council must also be clear that the power imbalance that exists when female sex workers are employed by men and their services are bought by men can and will spill over into the community.

A 2020 study by Hipp et al concluded that the prevalence of strip clubs is associated with higher rates of violent crime in the community. Greater proportions of “high risk” strip clubs also lead to higher rates of sexual violence against women.

The sub-committee must take in to account to cumulative effect allowing SEVs. Ultimately, women will be employed in various capacities (in live work and otherwise) to entertain men in a sexual manner. The message this sends to the women of East Lothian is abominable. The message it send to the men of East Lothian is terrifying.

- Ban sexual entertainment from the sake of alcohol. Simple. If money is exchanged for alcohol, then don't allow sexual entertainment. You make the (currently non-existent) sexual entertainment clubs completely sober, making a safer workplace for the workers.
- Protecting children and young people from harm both physically, mentally and morally. That is the responsibility of the state that everyone pays tax towards, to ensure that the people of today are secure and that we have a healthy and strong people of tomorrow to keep things in order. Things are bad and they will get worse, a country that forsakes God becomes a God forsaken country.
- Licensing current facilities is paramount but increasing facilities is ridiculous in this day and age. Those who wish to frequent these establishments know every to go, they don't need more venues.
- Sex entertainment venues should be licenced, and the number of venues in East Lothian set at zero, in order to prevent public nuisance, crime and disorder, to secure public safety and to protect children, young people and women from harm.
- Not qualified to say.
- If the committee has a regard for reducing violence against women it should set the number of licences as 0 as having sexual entertainment venues does not fit with having an objective of eradicating violence against women and girls.

If the Committee does not set the number at 0 should be made clear that a license has mandatory operating conditions. The responsibility for ensuring that conditions are met lies with the SEV operators (license holders), rather than with the performers. It is the license holder's responsibility to ensure that their customers abide by the law and treat performers with respect. It is not the performers' responsibility to ensure the license holder or customer

are abiding by these conditions.

Whoever is expected to carry out checks or enforce any licensing conditions attached to a SEV license must be trained in all equality issues and training on violence against women, gender equality and commercial sexual exploitation.

In relation to protecting public nuisance and securing public safety we believe the suggestions we have made previously may help reduce the negative impact on an individual basis but will not address the wider impact these venues have on women being seen as a commodity which men are entitled to buy and the impact this has on the attitudes which cause male violence against women.

- They could not address these issues adequately enough. There should be no SEVs in East Lothian.
- In response to all of the above points enabling the selling or exchanging of sex will clearly adversely affect the SEV policy objectives outlined above.

The existence of SEVs, licensed or otherwise, would enable and therefore increase violence against women; this would likely reduce public safety and also cause harm to children and young people in the area.

Furthermore, the East Lothian and Midlothian Critical Services Oversight Group and Public Protection Committee's Position Statement on Commercial Sexual Exploitation approved on 01/08/2018 states:

"Both the East Lothian and Midlothian CSOG and the East Lothian and Midlothian Public Protection Committee (EMPPC) support the National Violence Against Women Network's (NVAWN) view that CSE is a gendered issue, stemming from gender inequality and is created and maintained by the demand from men to buy sexual access to women.

We advocate measures that effect a shift in culture and challenge demand for sexual services from women, which includes decriminalising individuals exploited through the sex industry and providing long term support and exiting services for those exploited.

In line with Equally Safe, Scotland's Strategy for preventing and eradicating Violence Against Women and Girls (2016) CSOG and EMPPC supports a focus on prevention through the delivery of relationship education within the Health and Wellbeing Curriculum and also support the establishment of a legislative framework in Scotland that is founded on addressing the causes of commercial sexual exploitation (i.e. gender inequality and the demand from men to buy sexual access to women)."

[CSOG Commercial Sexual Exploitation position statement- 01-08-18.pdf \(emppc.org.uk\)](#)

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At first I was wondering if it was April 1st. Now I realise that it may be a serious question. As a member of the public and [REDACTED] Residents Association (but answering as a private resident) I would like personally NOT have any such premises with such a licence, having in another life spent 10 years in the Prison Service and for 30+ years as a social worker and teacher it is these sort of places which can and to my knowledge have taken advantage of vulnerable males and females in their audiences or as "performers" and have been an opportunity for them to be blackmailed into more extreme and possibly illegal activities. I would therefore be against any licencing in East Lothian or elsewhere. I know I miss-spelt vulnerable wrongly but you know my sentiment. I would be happy for my caution to be passed on to the relevant authority but not with my name attached.