

## Section 4 Integrated Impact Assessment

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### Summary Report Template

Each of the numbered sections below must be completed

Interim report		Final report	X		(Tick as appropriate)
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**1. Title of proposal**

City of Edinburgh Council Sexual Entertainment Venues Licensing Policy

**2. What will change as a result of this proposal?**

The Air Weapons and Licensing (Scotland) Act 2015 adds new sections to the Civic Government (Scotland) Act 1982 which enables local authorities to introduce a discretionary licensing system for sexual entertainment venues (SEVs). As a result of this policy, a licensing regime will be implemented for premises classed as SEVs. The policy and conditions allow the Council to consider local circumstances and to exercise appropriate control and regulation of these venues in setting the number of venues able to operate within Edinburgh. If the Council does not adopt this discretionary power then SEVs will continue to operate without any direct influence from the Council. Premises which fall under the definition of a sexual entertainment venue could close or be forced to significantly change their operation if a SEV policy is introduced with a zero limit in relation to the number of SEV premises

**3. Briefly describe public involvement in this proposal to date and planned**

The Council has engaged in public consultation throughout the process of agreeing to adopt, in principle, a scheme to licence sexual entertainment venues.

On 11 March 2019 the Regulatory Committee instructed officers to carry out an initial public consultation with a view to gaining a broader understanding of community views in relation to the potential introduction of a resolution which, if implemented, would require premises classed as SEVs to be licensed in 2021. Subsequently, a consultation exercise was carried out from 8 July to 17 August with over 800 responses.

A further report containing a comprehensive analysis of the response was considered by the Committee on 21 October 2019. The Committee agreed to adopt a scheme to licence SEVs, in principle and instructed officers to draft a proposed SEVs policy, resolution & conditions for consideration.

As part of the process in developing a draft policy and conditions, officers referred to the information gathered during the initial consultation exercise. Information was also gathered by holding a series of evidence sessions with key stakeholders such as existing operators

and performers, Police Scotland, NHS, members of the public and community councils. In addition, the Committee also held sessions with the appropriate internal Council officers, elected members and the relevant interest groups (e.g. Violence Against Women Partnership and Community Safety Partnership) to provide members with a detailed and robust evidence base from which to inform any decision making. Furthermore, officers carried out a document review of existing SEV licensing policies in operation in England, including those council areas of a similar size to Edinburgh, such as Westminster. A full list of those policies that were studied is included in section 6. There has also been engagement with the SOLAR licensing SEV working group, which has brought together officers from a number of Scottish local authorities to discuss and consider proposed SEV licensing schemes and policies. As part of this work, officers attended a SEV licensing seminar which had expert speakers on the subject from both England and Scotland.

Following a period of extensive research, previous consultation exercises and instruction from the Regulatory Committee, a draft SEVs policy and draft licensing conditions were published with a further round of public consultation taking place on both draft proposals. This consultation took place between 9 April – 2 July 2021 and received 89 responses in total.

Since the Committee initially considered the licensing of SEVs and draft policy framework in December 2021, additional correspondence has been received by the Council from various interest groups and organisations representing contrary views on the possible numbers limitation if SEVs become regulated under the 1982 Act.

**4. Is the proposal considered strategic under the Fairer Scotland Duty?**

No

**5. Date of IIA**

**23 March 2022**

**6. Who was present at the IIA? Identify facilitator, lead officer, report writer and any employee representative present and main stakeholder (e.g. Council, NHS)**

<b>Name</b>	<b>Job Title</b>	<b>Date of IIA training</b>
<b>Chris McKee (co-facilitator, lead officer, report writer)</b>	<b>Regulatory Officer</b>	
<b>Jackie McInnes (Co-facilitator)</b>	<b>Senior Planning Officer</b>	<b>09 March 22</b>
<b>Catherine Scanlin</b>	<b>Licensing Manager</b>	
<b>Gordon Hunter</b>	<b>Regulatory Officer</b>	<b>2015</b>

<b>Morag Leck</b>	<b>Principal Solicitor – Licensing</b>	<b>15 November 2018</b>
<b>Mark Upward</b>	<b>Advice Services Manager</b>	<b>November 2018</b>

## 7. Evidence available at the time of the IIA

<b>Evidence</b>	<b>Available – detail source</b>	<b>Comments: what does the evidence tell you with regard to different groups who may be affected and to the environmental impacts of your proposal</b>
Data on populations in need	Yes	The consultation responses gave data on respondents ethnic group or background, sexual orientation, age, national identity, gender, religion, religious denomination or body.
Data on service uptake/access	Yes	<p>Information on the service uptake/access to SEV premises could be considered commercially sensitive and therefore the Council has not been able to access this information.</p> <p>However, the consultation process has resulted in information being received from the following groups:</p> <ul style="list-style-type: none"> <li>Customers</li> <li>SEV Performers &amp; Union Reps</li> <li>SEV Operators &amp; Legal Agents</li> <li>Neighbours / Residents</li> </ul>
Data on socio-economic disadvantage e.g. low income, low wealth, material deprivation, area deprivation.	Yes	<p>Information received during the consultation process from SEV operators, SEV performer and SEV performer union representatives stated that by introducing a licensing scheme which bans SEVs from operating would result in a loss of income for a number of people, including operators, performers and premises employees such and bar and door staff, which would create a socio-economic disadvantage for them and any dependents. The same respondents also stated that a zero limit would likely cause the sexual entertainment to operate 'underground' in unregulated locations which would create a greater chance of performers being a victim of crime.</p> <p>Information received from organisations such as violence against women's groups stated that by introducing a licensing scheme which bans SEVs, it would allow performers to find alternative, safer and more stable means of employment</p>
Data on equality outcomes	Yes	Information from trade organisations such as performers union groups have stated that by introducing a licensing scheme

		<p>which bans SEVs from operating, the equality outcomes of performers, employees and operators of SEVs would be adversely affected.</p> <p>Information from organisations such as violence against women's groups have stated that by licensing SEVs and allowing them to operate that women's equality outcomes could be adversely affected.</p>
Research/literature evidence	Yes	<p>Some consultation responses have referred the Committee to existing research and literature on a range of issues including, but not limited to, the following:</p> <ul style="list-style-type: none"> <li>• SEV performer perspectives of working in the industry</li> <li>• If any links exist between SEVs and violent crimes; sexual offences; violence against women and girls</li> </ul> <p>The titles and links to the research and literature are included in the responses to the consultation</p>
Public/patient/client experience information	Yes	<p>There are a range of views on this subject. At a high level it is possible to identify two very different points of view that are diametrically opposed to each other, as to whether SEVs should be permitted to operate.</p> <p>As noted below and in the information put before the Committee, there are those who feel SEVs are safe and that those who work in SEVs have the right to work and it is their right to choose how they earn an income. On the other hand, there are some respondents who feel that SEVs negatively contribute towards equality outcomes and act as a form of violence against women. Given that the 4 SEV premises have operated for a minimum of 20 years, this indicates there is a demand for this service.</p>
Evidence of inclusive engagement of people who use the service and involvement findings	Yes	<p>During the public consultation exercises, information has been provided from those who work in the SEV trade and those who have identified themselves as customers of SEV premises.</p> <p>A series of evidence sessions were held with key stakeholders such as existing operators and performers, Police Scotland,</p>

		<p>NHS and community councils. In addition, the Committee also held sessions with the appropriate internal Council officers and the relevant interest groups (e.g. Violence Against Women Partnership and Community Safety Partnership) to provide members with a detailed and robust evidence base from which to inform any decision making</p> <p>To encourage participation, the public consultations and evidence sessions were open to all interested parties to contribute</p> <p>The evidence session with the performers and operators was conducted in private to protect identities, commercially sensitive information and to encourage participation. Those evidence sessions held with members of the public, community/interest groups, Police Scotland, NHS Scotland, Licensing Standards Officer took place in public and were broadcast on the Council's website for transparency. Officers also met with a SEV performer Union representative and the Council's Equally Safe Lead Officer to update them on the proposals. Given the sensitive and emotive nature of this subject, the Council have taken a range of measures to encourage participation in the consultation process.</p>
Evidence of unmet need	No	No evidence of unmet demand for SEV premises has been identified during this process. At present, there are 4 premises which would fall under the definition of a SEV which have operated continuously for a number of years.
Good practice guidelines	Yes	<p>In forming a SEVs policy and conditions framework, the Council has taken into account the information available from existing SEV licensing schemes in England. These include those from the following local authority areas:</p> <ul style="list-style-type: none"> <li>• Birmingham</li> <li>• Camden</li> <li>• Leeds</li> <li>• Manchester</li> <li>• Sheffield</li> </ul>

		<ul style="list-style-type: none"> <li>Westminster</li> </ul> <p>The Council has also referred to the Scottish Government's Guidance on the Provisions for Licensing of Sexual Entertainment Venues.</p>
Carbon emissions generated/reduced data	N/A	N/A
Environmental data	N/A	N/A
Risk from cumulative impacts	N/A	N/A
Other (please specify)	Yes	<p>The decisions of other Scottish local authorities, which had resolved to licence SEVs at the time of writing, and the associated SEV licensing policies of those local authorities were considered.</p> <p>Correspondence to the Council from the Equally Safe Edinburgh Committee and the United Sex Workers branch of the United Voices of the World trade union were also considered.</p>
Additional evidence required	No	No

**8. In summary, what impacts were identified and which groups will they affect?**

<b>Equality, Health and Wellbeing and Human Rights</b>	<b>Affected populations</b>
<p><b>Positive</b></p> <p>From the information gathered through the consultation processes and evidence sessions, it is evident that the majority of SEV workers identify as female.</p> <p>If a policy was introduced to licence SEVs, it could have a positive impact on women as it would mean there is more regulation in the industry. The SEV operator would have to comply with licence conditions, imposed by the Committee. A licensing regime would also provide a mechanism for SEV workers and also members of the public, to report any problems they have with the running of the premises to the Committee, who could investigate and possibly take appropriate action against the licence holder to ensure the SEV workers safety is not being compromised or any nuisance being caused to the public by the operation of the premises.</p>	<p>Men (including trans men), Women (including trans women) and Non-binary people;  Children &amp; young persons;  SEV performers;  SEV premises operators;  SEV employees (bar staff, door staff);  Neighbours/Residents;  Customers</p>

If licensed, it could allow an opportunity through the licensing policy statement to provide a more secure and safe environment for SEV workers and also members of the public.

If a SEV licensing scheme was introduced with limits placed on the number of SEVs in a certain locality, it would allow the Council to control the number of SEVs operating in certain vicinities. For example, near schools, places of worship, women's refuges, residential areas etc.

If SEVs were to be licensed and an appropriate number set to enable SEVs that the Committee is currently aware of, to remain open, it would ensure that the SEVs workers continue to be employed and receive an income to support themselves and any dependents.

If SEVs were to be licensed and the number set to zero SEVs in Edinburgh, this could have a positive impact on SEV workers as some responses stated that workers in SEVs are sexually exploited, suffer sexual assault and are abused.

If SEVs were to be licensed and the number set to zero SEVs in Edinburgh, this could have a positive impact on women (including trans women) in Edinburgh as some responses have stated that the existence of SEVs can lead to them feeling unsafe in certain parts of the city.

The responses highlighted that some workers in SEVs may be transgender. The positives and negatives for transgender would be similar to those listed above for men and women.

Although the majority of responses received from SEVs workers were from women, there are men who also work in the SEVs that the Committee has knowledge of. The positives and negatives for men would be similar to those listed for women above

The evidence sessions highlighted that the owners and the majority of premises managers in SEVs in Edinburgh, that the Committee are aware of, were men. The owners and managers were in favour of a licensing regime and the number set to allow current SEVs that the Committee is aware of in Edinburgh, to continue operating. The owners and managers stated that if licensed, it would provide direct regulation for the dancers and premises.

The information gathered in developing a draft SEV licensing policy and conditions framework has allowed the



<p>Council to gain a better understanding of the issues related to SEVs in general and more specifically in Edinburgh.</p> <p><b>Negative</b></p> <p>If SEVs were to be licensed and an appropriate number set to enable SEVs that the Committee is currently aware of, to remain open, this could have a negative impact on SEV workers as some responses stated that workers in SEVs are sexually exploited, suffer sexual assault and are abused and that the existence of SEVs contributes towards violence against women and girls, the objectification of women and gender inequality.</p> <p>If the Committee determined to licence SEVs and set the appropriate number of SEVs in the locality at zero this could have a negative impact on the majority of SEVs workers who are women, as the venues they currently work in may close. This could lead to unemployment which would not only impact on the worker but also any family members who are dependent upon their income.</p> <p>If the Committee determined to licence SEVs and set the appropriate number of SEVs in the locality at zero, this could have a negative impact as it could cause the sexual entertainment to operate 'underground' in unregulated locations which would create a greater chance of performers being a victim of crime.</p> <p>The external appearance of sex establishments has the potential to impact those persons under 18 negatively as it could expose them to sexually explicit imagery.</p> <p>Persons under 18 accessing the SEVs premises has the potential to impact those persons negatively. This risk exists as with any age restricted licensed premises.</p>	
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<p><b>Environment and Sustainability including climate change emissions and impacts</b></p> <p><b>Positive</b></p> <p>If SEVs were to be licensed and the number set to zero, this could have a positive effect as it could encourage new businesses to the premises, should the existing SEV premises operators vacate.</p> <p>If SEVs were to be licensed and an appropriate number set to enable SEVs that the Committee is currently aware of, to remain open, it would result in the continued use of a business premises in the area.</p>	<p><b>Affected populations</b></p> <p>SEVs premises operators/Local businesses</p> <p>Residents</p>
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<p><b>Negative</b></p> <p>If SEVs were to be licensed and the number set to zero, this could have a negative impact as those affected businesses could be forced to close and could result in empty premises. This could have a negative impact on, or contribute to the decline of, the surrounding built environment.</p>	
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<p><b>Economic</b></p> <p><b>Positive</b></p> <p>If SEVs were to be licensed and an appropriate number set to enable SEVs that the Committee is currently aware of, to remain open, it would ensure that the SEVs workers continue to be employed and receive an income to support themselves and any dependents. This would not result in socio-economic disadvantage for these populations.</p> <p>If SEVs were to be licensed and the number set to zero SEVs in Edinburgh, this would have a positive impact on SEV workers/performers as some responses stated that workers in SEVs are financially exploited by the SEV operators. There are also various ways in which performers can access support in finding alternative employment in Edinburgh. However, it is also noted that some workers will live out with Edinburgh or also work at venues in different local authority areas.</p> <p><b>Negative</b></p> <p>Premises which fall under the definition of a sexual entertainment venue could close or be forced to significantly change their operation if a SEV policy is introduced with a zero limit in relation to the number of SEV premises.</p> <p>If the Committee determined to licence SEVs but set the appropriate number of SEVs in the locality at zero this could have a negative impact on the majority of SEVs workers, who are women, as the venues they currently work in may close. This could lead to loss of income, unemployment and create a socio-economic disadvantage, which would not only impact on the worker and any other staff but also any family members who are dependent upon their income. The continuing increases to the cost of living (e.g. fuel, food &amp; energy costs), at the time of writing, was also noted and that any loss of</p>	<p><b>Affected populations</b></p> <p>Men (including trans men), Women (including trans women) and Non-binary people;  SEV performers  SEV premises operators/Local businesses;  SEV employees (bar staff, door staff, full time staff, part time staff);  SEV Customers, SEV suppliers</p>
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income would exacerbate any cost increases for those affected.

If a SEV licensing scheme was introduced with limits placed on the number of SEVs in a certain locality, it would allow the Council to control the number of SEVs operating in certain vicinities. This could restrict the ability of SEV businesses to operate in certain areas of the city.

If a SEV premises closed as a result of a licensing scheme it could have a negative impact on other businesses which supply the SEV business, such as suppliers who provide cleaning or bar supplies.

**9. Is any part of this policy/ service to be carried out wholly or partly by contractors and if so how will equality, human rights including children’s rights, environmental and sustainability issues be addressed?**

N/A

**10. Consider how you will communicate information about this policy/ service change to children and young people and those affected by sensory impairment, speech impairment, low level literacy or numeracy, learning difficulties or English as a second language? Please provide a summary of the communications plan.**

The Licensing Service currently deals with customers from a range of backgrounds. This includes those affected by sensory impairment, speech impairment, low level literacy or numeracy, learning difficulties or English as a second language.

If the Regulatory Committee passes a resolution to licence SEVs, it must specify a date from when it is to take effect in their area. This must be at least one year from the date the resolution is passed. The local authority must also publish notice that they have passed a resolution not less than 28 days prior to the date the resolution is to take effect. The notice must state the general effect of the licensing procedure and provisions at Schedule 2 of the 1982 Act, as modified for SEV, and be published either electronically or in a local newspaper.

If the Regulatory Committee agree to adopt a resolution to licence SEVs, the licensing service will communicate this in a number of ways. All affected premises will be written to in order to inform them of the decision along with information on the agreed SEVs policy, conditions framework and any other appropriate information. Furthermore, the Committee’s decision will be communicated using the Council’s and Licensing Service’s social media accounts in addition to updates being placed on the Council’s website. The Licensing Service will also include information of the Committee’s decision in its regular newsletter which is sent to all licence holders. The decision will also be communicated to Community Councils.

Where customers require further support to access information in respect of SEV licensing, the licensing service will make the necessary reasonable adjustments to cater for this. For example, translators can be provided for those customers whose primary language is not English and who have difficulty understanding this information.

**11. Is the plan, programme, strategy or policy likely to result in significant environmental effects, either positive or negative?** If yes, it is likely that a [Strategic Environmental Assessment](#) (SEA) will be required and the impacts identified in the IIA should be included in this. See section 2.10 in the Guidance for further information.

No

**12. Additional Information and Evidence Required**

If further evidence is required, please note how it will be gathered. If appropriate, mark this report as interim and submit updated final report once further evidence has been gathered.

At this stage, it has not been established that any additional information of evidence is required. Should the Regulatory Committee request further information, this will be provided.

**13. Specific to this IIA only, what recommended actions have been, or will be, undertaken and by when? (these should be drawn from 7 – 11 above) Please complete:**

Specific actions (as a result of the IIA which may include financial implications, mitigating actions and risks of cumulative impacts)	Who will take them forward (name and job title)	Deadline for progressing	Review date
Include a copy of this IIA in the Regulatory Committee Report due to be considered on 31 March 2022.	Chris McKee, Regulatory Officer	24 March 2022	31 March 2022

**14. Are there any negative impacts in section 8 for which there are no identified mitigating actions?**

No

**15. How will you monitor how this proposal affects different groups, including people with protected characteristics?**

It is proposed that the SEV licensing policy is reviewed annually, or more frequently, should circumstances require it. A review of the IIA and how the policy is affecting different groups, including those with protected characteristics, will form part of that work.

**16. Sign off by Head of Service**

**Name – Peter Watton**

**Date – 25 March 2022**

**17. Publication**

Completed and signed IIAs should be sent to:

[integratedimpactassessments@edinburgh.gov.uk](mailto:integratedimpactassessments@edinburgh.gov.uk) to be published on the Council website [www.edinburgh.gov.uk/impactassessments](http://www.edinburgh.gov.uk/impactassessments)

**Edinburgh Integration Joint Board/Health and Social Care**

[sarah.bryson@edinburgh.gov.uk](mailto:sarah.bryson@edinburgh.gov.uk) to be published at [www.edinburghhsc.scot/the-ijb/integrated-impact-assessments/](http://www.edinburghhsc.scot/the-ijb/integrated-impact-assessments/)