

BUSINESS SERVICES COMMITTEE

LICENSING SUB-COMMITTEE

SKYPE MEETING, 2 OCTOBER, 2020

Present: Councillors F Hood (Chair), M Ewenson (as substitute for Councillor R Bruce), A Forsyth, V Harper, D Lonchay, M Roy and A Stirling.

Apology: Councillor R Bruce.

Officers: Principal Solicitor (Governance), Senior Committee Officer (Allan Bell) and Solicitor (Amanda de Candia), all Legal and Governance.

1. DECLARATION OF MEMBERS' INTERESTS

The Chair asked members if they had any interests to declare, in terms of the Councillors' Code of Conduct. No interests were declared.

2. PUBLIC SECTOR EQUALITY DUTY

In taking decisions on the undernoted items of business, the Sub-Committee **agreed**, in terms of Section 149 of the Equality Act 2010:-

- (1) to have due regard to the need to:-
 - (a) eliminate discrimination, harassment and victimisation;
 - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (c) foster relations between those who share a protected characteristic and persons who do not share it, and
- (2) to consider, where an equality impact assessment has been provided, its contents and to take those into consideration when reaching a decision.

3. MINUTE OF SPECIAL MEETING OF THE SUB-COMMITTEE OF 14 AUGUST, 2020

On consideration of the circulated Minute of Special Meeting of the Sub-Committee of 14 August, 2020, members **approved** it as a correct record.

4. MINUTE OF MEETING OF THE SUB-COMMITTEE OF 21 AUGUST, 2020

On consideration of the circulated Minute of Meeting of the Sub-Committee of 21 August, 2020, members **approved** it as a correct record.

5. LICENSING OF SEXUAL ENTERTAINMENT VENUES – DRAFT POLICY CONSULTATION

With reference to the Minutes of Meetings of the Sub-Committee of (1) 4 October, 2019 (Item 6), when it had been agreed, in terms of Section 45B(1) of the Civic Government (Scotland) Act 1982, as amended, that the Council should make a resolution to license sexual entertainment venues (SEV) in Aberdeenshire in terms of Section 45B(2) of the Act, and that the Head of Legal and Governance should prepare an SEV policy statement in terms of Section 45C of the Act and (2) 21 August, 2020 (Item 5), when it had been agreed that public consultation should take place on the draft policy on the licensing of sexual entertainment venues, there was circulated and **noted** a report dated 18 September, 2020, by the Director of Business Services (1) which explained the background to the consultation process, including consideration by each of the six area committees, (2) which summarised the responses received, (3) which highlighted the prevailing views expressed regarding limits on the number of venues and locality areas, a “sensitive premises” presumption, the distance of SEV from sensitive premises, the duration of licences and waivers, and prospective conditions and (4) to which were appended a summary of the consultation outcomes and the draft policy document.

After detailed consideration, the Sub-Committee:-

- (1) **agreed** a general presumption that there would be zero sexual entertainment venues in Aberdeenshire and in each of the relevant locality areas,
- (2) **agreed** that the six relevant localities in the Aberdeenshire Council area would be based on the Council’s six administrative areas,
- (3) **agreed** that there should be a “sensitive premises” presumption based on (a) the list of sensitive premises within the policy document, subject to the inclusion of the wording that “this is not a definitive list and each case will be considered on its own merits”, (b) no SEV being established within an indicative distance of 750 metres, subject to any individual application complying with all other relevant considerations and (c) the setting of a “relevant distance” of 50 metres from the SEV to the location of any incidents which had been reported to Police Scotland,
- (4) **agreed** that a maximum period of one year should be set for an SEV licence and for the waiver of any SEV licence,
- (5) otherwise **noted** and **approved** the final draft policy appended to the report for publication, thereafter to be published online,
- (6) **acknowledged** that SEV licence applications were currently determined by area committees,
- (7) **agreed** to recommend to the Recovery Reference Group that determination of applications for SEV licences should hereafter be made by the Licensing Sub-Committee, following formal consultation with the relevant area committee, and

- (8) **agreed** that, in the event that Aberdeenshire Council agreed to amend the Scheme of Governance in respect of the determination of SEV licence applications, any amendment to the policy documentation to reflect that decision should be delegated to the Head of Legal and Governance.

6. LICENSING SUB-COMMITTEE DATES FOR 2021

With reference to the Minute of Meeting of the Sub-Committee of 4 October, 2019 (Item 7), and on consideration of a circulated report dated 10 September, 2020, by the Director of Business Services, it was **agreed** that meetings of the Sub-Committee should take place at 10.15am on each of the following dates:-

5 February, 2021,
24 April, 2021,
5 June, 2021,
21 August, 2021,
2 October, 2021, and
4 December, 2021.