

Briefing for Stage 1 Debate - Air Weapons and Licensing (Scotland) Bill

23rd April 2015

New licensing scheme for sexual entertainment venues

I wish to draw MSPs' attention to one aspect of the Air Weapons and Licensing (Scotland) Bill which I find to be of particular concern. This relates to the new licensing scheme for sexual entertainment venues (SEVs), and in particular s. 68 which recommends that children under 18 be allowed to work in SEVs when there is no sexual entertainment taking place. My understanding is that s. 68 will amend the 1982 Civic Government (Scotland) Act, introducing a new licensing regime for SEVs based on the system currently in place for sex shops. Unlike sex shops, however, it will be permissible for a person under 18 to enter a SEV or be employed by such a venue but only at times when sexual entertainment is not taking place.

The Government's view is that sexual entertainment venues should be licensed so that the risk of adverse impacts on neighbours, general disorder and criminality is reduced and both 'performers and customers' can benefit from a safe, regulated environment. It also believes that local communities should be able to exercise appropriate control and regulate sexual entertainment venues that operate within their areas and that local licensing authorities are best placed to reflect the views of their communities and determine whether sexual entertainment establishments should be authorised and under what conditions.

General comment

I appreciate that the current regime does not work (particularly since the judgment in *Brightcrew Ltd v Glasgow City Council* 2012 SC 67), and that the status quo is not an option. I also recognise that over regulation may result in displacement, potentially putting more women at risk. However ending this 'social harm' is a long term goal that we must work towards. I believe we should seek to eradicate such venues and I have concerns about introducing a new regime for SEVs which would normalise a harmful form of sexual exploitation.

As such, I find the justification for s. 68 weak and open to unintended consequences. I support Zero Tolerance's view that *'if we are to move beyond women's value and worth being located in their bodies and their perceived sexual attractiveness, we need to move beyond seeing SEVs as normal and harmless.'*

Specific Comments

According to the Explanatory Notes, unlike sex shops, a person under 18 will be allowed to enter a SEV or be employed by such a venue when sexual entertainment is not taking place. The Stage 1 report cites the Scottish Government's rationale for this. When questioned as to whether this was appropriate, given 'the images in such premises and the daily work of most of the people who work in them'¹, the Cabinet Secretary advised that this 'amounted to banning under-18s from being cleaners in venues that are used for sexual entertainment' and that the Government would need to consult more widely on what the implications would be. The view was that this was not something that could be addressed within the scope of the Bill. I disagree. The law relating to sex shops does not allow under 18s to enter the premises of a sex shop and I would suggest that this could be applied to SEVs by amending new s. 45B.

I have been supportive of the Government's strategy on Violence Against Women and Girls ('Equally Safe') which covers the full spectrum of violence against women and girls. A key feature of this is a recognition of the links between the discrimination, objectification and violence against women and a call to end commercial sexual exploitation. A SEV is not the type of place in which we should be encouraging our young people to work in. It is essential that we challenge a culture where women and girls are viewed as sexualised objects - this sends out a poor message to our young people.

The presence of SEVs both normalises certain negative attitudes towards women and reinforces power imbalances and gender inequality between men and women.

It is also worth noting General Comment No 4 from the Committee on the Rights of the Child², which looks at *'Adolescent health and development in the context of the Convention on the Rights of Child'*. This notes that this is generally a period which is characterised by positive changes, *'prompted by the significant capacity of adolescents to learn rapidly, to experience new and diverse situations, to develop and use critical thinking and to familiarise with freedom, be creative and to socialise.'*

It is also a time when young people are particularly vulnerable to outside pressures and external influences and when their views are shaped and formed. As adults, the need to strike an appropriate balance between keeping a young person safe from harm, whilst giving them space to manage risk and develop their own evolving capacities is essential.

¹ Paras 496 & 497 Local Government and Regeneration Committee 3rd Report, 2015 (Session 4) Stage 1 Report on the Air Weapons and Licensing (Scotland) Bill (Laura Tomson, Zero Tolerance)

² <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G03/427/24/PDF/G0342724.pdf?OpenElement>

I do not agree that children under 18 should be able to work in SEVs, regardless of this being when such 'entertainment' is not taking place and that we should resist attempts to legislate for this within the new licensing regime and indeed prevent it from happening through amendment to s. 45B.

Yours sincerely

A handwritten signature in black ink that reads "Tam Baillie". The signature is written in a cursive, slightly slanted style.

Tam Baillie
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