

# **Delay to strip club licensing scheme after 'nil cap' struck down by legal decision**

**The start date for a new strip club licensing scheme in Edinburgh has been pushed back, after a move by the city council to ban any from operating was struck down by a judge.**

The capital's 'sexual entertainment venues' (SEVs) now have until the end of the year to secure a licence from the local authority, nine months later than the April 1 deadline set last year.

The delay comes following the outcome of a court case challenging the council's decision to cap the number of venues at zero – which put Edinburgh's four lap dancing bars at risk of closure.

The Court of Session ruled last month the 'nil cap' would be unlawful. The council said it will not appeal the judgement.

The Regulatory Committee, which took the controversial five-to-four vote last year, although with a different membership prior to local elections, held a special meeting on Monday to discuss the way forward.

Councillors agreed they would need more time to consult and re-consider the policy before re-running the vote to determine what the maximum number of SEVs that can operate in the city should be.

Andrew Mitchell, the council's regulatory services manager,

said: "After careful consideration a decision was taken not to appeal the judgement."

He said the judge "struck down the number, but not the policy."

"For it to go live on the 1st of April we would have had to have published everything by the 4th of March, which we weren't able to do due to the consideration of whether or not to appeal."

He said councillors "must go back and reach a fresh determination of what the suitable number of premises would be."

A report will go before the committee in May "detailing the consultation plan with respect to a review of the SEV policy."

The report added: "This will also give clarity to those venues, staff and performers directly affected by the introduction of the licensing scheme."

The licensing scheme, which was due to start next month, will now not go live until 31 December.

Powers to regulate strip clubs were handed to local authorities in 2019 and are aimed at protecting the safety and well-being of exotic dancers.

However after the previous Regulatory Committee determined the number of SEV premises appropriate for the city to be zero last March, strippers' union [United Sex Workers \(USW\)](#) took the council to court after successfully crowd-funding £20,000 for legal fees.

Giving his judgement at the Scottish Court of Session on February 10, Lord Richardson ruled in favour of USW, saying councillors had made the decision on the basis of "erroneous legal advice."

*by Donald Turvill, Local Democracy Reporter.*

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