

## APPENDIX B

### CONSULTATION RESPONSES

	RESPONDENT	SUBMISSION
1.	Resident of Wilmslow	Re. Wilmslow Express lap dancing etc I am aware of this facility though not a client. I find no grounds to justify further legislation in matters pertaining to licensing. I am satisfied, on the grounds of experience, that matters pertaining to public order, ethics, psychological factors, sociological and theological matters are in good order. A similar (failed) facility in Alderley Edge was noisy and intrusive. This may have been due to the conduct of clientele and not due to management failings. The facility in Grove Street Wilmslow is indicative of good management and the responsible and reasonable respect shown by the clientele. Such venues may attract negative conduct of irresponsible clients. That is not an issue for licensing. Negative opinions concerning matters of administration and social psychology appear to come from a given minority of highly vocal people in a sub cultural strata.
2.	Sandbach Town Council	At the Sandbach Town Council Planning Committee meeting held Monday, 1 November, Councillors discussed the above consultation. Following discussion, Members resolved to confirm the Council's full support of CEC adopting the amendments to Schedule 3 of the 1983 Act; thus ensuring stringent control over the venues, as per section 27 of the Policing and Crime Act 2009 quoted in your consultation document.
3.	Independent Sexual Violence Advisor (Cheshire East) Rape and Sexual Abuse Support Centre (Cheshire & Merseyside)	I would like to put forward our support, as an organisation providing service to victims of rape and sexual abuse/violence in Cheshire East, for the proposed adoption of the amendments to Schedule 3 of the 1982 Act and introduction of a regime for the regulation of sexual entertainment venues in the Borough. As part of our work against sexual violence we aim to help reduce stereotypes and myths around sex and reducing the sexualisation of women is a big part of this. Having local regulation of proposed sexual entertainment venues will be of benefit to the local community, our cause of reducing sexualisation of women and for the women that work within these clubs.
4.	Alsager Town Council	Further to a meeting of the Alsager Town Councils Planning Committee held on 2 <sup>nd</sup> November 2010, the Committee fully support the introduction of the Draft Policy on the Licensing of Sexual Entertainment Venues Schedule 3, Local Government (Miscellaneous Provisions) Act 1982 (as amended).
5.	Poynton Town Council	This issue featured on the agenda of Poynton Town Council's Planning meeting of Monday 1 <sup>st</sup> November 2010. A unanimous resolution was passed, the text of which is given below:  RESOLVED: That the Clerk respond to the consultation, stating that Poynton Town Council was strongly in favour of Cheshire East Council adopting the provisions of Section 27 of the Policing and Crime Act 2009, thereby allowing the local authority to refuse an application on potentially wider grounds than is permitted under the Licensing Act 2003, and giving local people a greater say over the regulation of lap dancing and similar venues in their area.
6.	Mottram St Andrew Parish Council	The consultation documents were considered by the Parish Council both before and at their Meeting on 15 <sup>th</sup> November and I am directed to advise you that they support the proposal to adopt the amendment to Schedule 3 and that the draft Policy introduces sensible controls in relation to the type of establishment envisaged. The fee levels were considered modest taking into account the potential for profit generated by such a venue. We hope these views are of some assistance.
7.	Middlewich Town	Thank you for the opportunity to comment on the proposals for the licensing of

	Council	<p>sexual entertainment venues. The Town Council is in favour of Cheshire East Council adopting Schedule 3 of the 1982 Act and of the proposed fee levels.</p> <p>In respect of the draft policy, the only comment the Town Council made was to recommend that Cheshire East Council be asked to include the Town Council as a consultee in respect of licensing applications of any description in Macclesfield and that they also be allowed to address the Licensing Committee in respect of any such applications.</p>
8.	26 residents (22 residents of Wilmslow, 1 resident of Alderley Edge, 3 letters address not provided)	<p>I strongly urge Cheshire East Borough Council to adopt section 27 of the Policing and Crime Act 2009, so that local authorities can have more powers to control the number and location of lap dancing clubs and similar venues in our area.</p> <p>I would like you to have the power to refuse an application on wider grounds than is currently permitted and give local people a greater say.</p> <p>Many residents find 'sexual entertainment venues' totally inappropriate for this small attractive town and would welcome this new regulation.</p>
9.	Macclesfield resident	<p>I am responding to the 'sex club deadline' article in my local paper. I do object strongly to any application for lap dancing clubs or similar opening in my town. Macclesfield is not hugely populated like, for example, Manchester, where this sort of establishment would be in the city centre away from residential areas. I want to be able to go out for a meal or a drink, in my home town without being offended by such clubs. The opening of such establishments would attract a certain clientele which I feel we do not have at present in our town. Plus I feel it would cause problems with disorderly conduct when people are refused entry for one reason or another. Please keep Macclesfield clean and do not allow such in our town. I do not feel the majority want or need such activities on our doorstep.</p>
10	Wilmslow Resident	<p>I strongly urge Cheshire East Borough Council to adopt section 27 of the Policing and Crime Act 2009, so that local authorities can have more powers to control the number and location of lap dancing clubs and similar venues in our area.</p> <p>I would like you to have the power to refuse an application on wider grounds than is currently permitted and give local people a greater say.</p> <p>Many residents find 'sexual entertainment venues' totally inappropriate for this small attractive town and would welcome this new regulation.</p> <p>PS I find it unacceptable that any establishment in our village should be permitted to have a 04.00 am closing time.</p>
11	Wilmslow Resident	<p>I am writing to strongly urge Cheshire East Borough Council to adopt section 27 of the Policing and Crime Act 2009, to enable local authorities to have more powers of control the number and location of lap dancing clubs and similar venues in our area.</p> <p>I would like my views to be taken into consideration before you grant or refuse an application for a licence locally.</p> <p>It is felt that sexual entertainment venues are highly inappropriate for our small, attractive town and the new regulation would be highly welcome.</p>
12	Macclesfield Resident	<p>I strongly urge Cheshire East Borough Council to adopt the amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and introduce a regime for the regulation of sexual entertainment venues in the Borough.</p> <p>We would like you to have the power to refuse an application on wider grounds than is currently permitted, introduce greater regulation and give local people a greater say.</p>

		I find 'sexual entertainment venues' totally inappropriate to small towns in Cheshire and back greater regulation.
13.	Bollington Town Council	To let you know that Bollington Town Council feels that the draft regulations do provide the right checks and balances to control the location of these venues.
14.	Resident of Alderley Edge	<p>I note from the Cheshire East website that a consultation exercise is currently underway and that:</p> <p><i>"Section 27 gives local authorities more powers to control the number and location of lap dancing clubs and similar venues in their area. These powers are not mandatory and will only apply where they are adopted by local authorities. Where adopted, these provisions will allow local authorities to refuse an application on potentially wider grounds than is permitted under the 2003 Act [the Licensing Act 2003] and will give local people a greater say over the regulation of lap dancing and similar venues in their area."</i></p> <p>I strongly urge Cheshire East Borough Council to adopt Section 27, so that they can exercise greater control over the number and location of lap dancing clubs and similar venues in our area.</p>
15.	Wilmslow Resident	<p>I am writing in response to your public consultation exercise to request that Cheshire East Council adopt the amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and introduce improved regulation of sexual entertainment venues in Cheshire East.</p> <p>We have a lap dancing venue in the middle of Wilmslow, which many people opposed at the time it opened, to no avail. I do not consider it acceptable to have this kind of 'sexual entertainment venue' on a mainstream high street where it becomes implicit that sex is a commodity to be sold like any other high street commodity. It is not, and the presence of these venues in these locations gives me great concern for the impact they have on our young people.</p>
16.	Resident of Macclesfield	<p>I am writing in support of the proposal for the new consultation regime to be adopted by Cheshire East Borough Council as this gives the local community a greater say. Thank you for putting the notice of the consultation in the Macclesfield Express. This was a good idea as many people do not scan the council website for new developments.</p> <p>In relation to the draft I think it should be made clear that the whole town could be a relevant locality for the purposes of consultation. Macclesfield is actively trying to rebrand itself through the work of paid employees and community groups and many people want to develop the town as a cultural and tourist centre based on its historic roots as a silk town. People are planning for the anniversary next year and we are seeing good developments like an ice rink in the town centre.</p> <p>When the last request for a license change was made for lap dancing in Macclesfield there was not one person who was willing to say that they wanted the development apart from the applicants. This says to me that it is a shameful and seedy business. I am also canvassing local councillors and other representatives about this issue as they also have an investment in plans for the town.</p>
17.	Cheshire Constabulary	In general Cheshire Police welcome the proposal, by Cheshire East Borough Council, to adopt legislation that will enable it to regulate Sexual Entertainment Venues. The legislation, if adopted, will allow local communities with legitimate concerns about a Sex Entertainment Venue, either proposed to operate or already operating, in their neighbourhood to have a greater say in those matters. It will also allow the Council, where it considers it appropriate, to set a limit on the number of Sexual Entertainment Venues in a particular area.

		<p>In relation to the proposed fee levels I don't seek to comment on them as it is not particularly a police matter other than to note the disparity with some other authorities who have set levels significantly higher.</p> <p>Below you will find some comments about your proposed conditions and mention of the 'waiver' in your proposed draft policy.</p> <p>Conditions</p> <p>1. 'Definitions' should include what is meant by the terms employed/employee (s) to ensure it captures all intended persons, i.e. it will include self employed persons, contractors or their staff promoting or providing any service or relevant entertainment.</p> <p>7. &amp; 38. These conditions should require performers to provide their names and home addresses, not just addresses. Otherwise performers could just provide an agency address or even the address of the venue itself and this would not help to identify who they were should it ever be an issue.</p> <p>9. What would amount to promoting relevant entertainment or the premises in an 'unlawful manner', i.e. contrary to what legislation? Are you thinking of the Obscene Publications Act, for example, in which case, would this not be duplication of existing legislation?</p> <p>21. How would this condition work with topless barmaids, glass collectors etc. who will always be in a state of partial undress when they are working, albeit not actually performing? Or do you take the view that these people would be 'performing' whilst carrying such duties?</p> <p>25. Typing error at 'indicate of suggest'.</p> <p>Waiver</p> <p>The Council clearly have the power to grant a waiver, if they see fit, and I note that your draft policy comments that waivers are unlikely and would only be granted in exceptional circumstances. However I would have preferred to see a policy decision that waivers would only ever be granted after a full application, which would crucially allow for full consultation to firstly take place. I do not seek in anyway to shackle the Council in its decision making powers but if waivers would only be granted in exceptional circumstances then surely those exceptional circumstances should justify the Police being allowed to comment. The draft policy doesn't appear to ensure consultation would always take place before a waiver is, exceptionally, granted.</p>
18.	<p>25 responses, of which:</p> <p>19 residents of Macclesfield, 1 resident of Prestbury, 1 resident of Wilmslow, 1 resident of Congleton and one respondent who provided a Manchester address</p> <p>1 response on behalf of Knutsford Methodist Church and 1 response on</p>	<p>I am writing to express my support for Cheshire East Borough Council introducing and adopting the new regime but changing the draft policy to have a Zero Tolerance Policy <b>for all Sex Establishments</b> including Lap dancing. In particular, I would support the following:</p> <ol style="list-style-type: none"> <li><b>1. For the Council to say yes to a new regime for the licensing of lap dancing</b>, so that like sex shops and sex cinemas, local people have a greater say, as any person can object not just those who live or work near the proposed venue.</li> <li><b>2. To change the policy to have a zero tolerance policy for all sex establishments in the Borough</b> of nil per ward. For example, see the zero tolerance policies of Haringey Borough Council; Mid Sussex District Council; and Hackney and Oldham Council.</li> <li><b>3. To remove from the policy the idea in paragraph 3.6 that an entire town cannot be seen as a relevant "locality"</b>. Other policies such as Mid Sussex and Oldham Council have covered towns. All areas need protecting including</li> </ol>

	behalf of Macclesfield United Reform Church	<p>town centres.</p> <ol style="list-style-type: none"> <li>4. <b>To change the policy, so that it covers a wide range of areas</b> and explains a zero tolerance approach for the main town centres, smaller towns, villages and rural communities, business parks and industrial estates, as being unsuitable for sex establishments for various reasons. For example, see the policy of Mid Sussex District Council.</li> <li>5. <b>To raise the proposed application fees to:</b> new application £8,000, renewal £5,000, transfer fee £1,100 (see fees for Harrogate Borough Council/Oxford City Council/South Hams District Council).</li> <li>6. <b>To extend the description and list of inappropriate locations for lap dancing venues.</b> I believe the list should specifically include being near swimming pools, leisure centres, mental health centres, sheltered accommodation, disability centres, historic buildings, tourist attractions, conservation areas, restoration areas, improvement areas, planned improvement areas, pedestrian routes or transport links (such as stations or bus stops), residential accommodation (without the need for this to be a predominant use), shopping areas, other retail units (and their uses), and other alcohol and entertainment licensed premises. All of these are inappropriate locations due to the character of the locality especially for sensitive users such as families, children, the disabled, the elderly or to help prevent crime and disorder. For example, see the policies by South Hams; Mid Sussex District Council; Oxford City; and Oldham Council.</li> <li>7. <b>To extend the list of standard conditions for lap dancing to protect families, children, the public, performers and nearby occupiers.</b> I would propose for example:             <ul style="list-style-type: none"> <li>• Restricting opening hours to 9am to 6pm excluding Sundays/Bank Holidays and public holidays;</li> <li>• Specifying premise noise and vibration control so that noise does not give rise to a nuisance to nearby occupiers;</li> <li>• Requiring a minimum of 4 door supervisors on duty whilst the premise is open to the public; High visibility fluorescent jackets to be worn by all door supervisors whilst outside the premises so that the public can identify them;</li> <li>• Prohibiting soliciting and advertising outside the premises including leaflets or cards and exchange of personal details between customers and performers, to prevent prostitution;</li> <li>• and tightening conditions on performances between performers and customers including the requirement for the distance of one metre between performers and customers. For example, see the conditions for Cornwall, Oxford City; and Oldham Council.</li> </ul> </li> <li>8. To consult upon and change the policy to include sex shops and sex cinemas to also have a zero tolerance policy.</li> </ol> <p>AS ABOVE WITH THE FOLLOWING ADDITIONAL COMMENTS:</p> <p><u>Macclesfield Residents (x2)</u> We are both Macclesfield born and bred and have children and grandchildren growing up here and we want our town to be a clean and happy environment for both residents and visitors alike.</p> <p><u>Wilmslow Resident</u> As a parent of two young children I do not want to be faced with these kind of venues – we already have one in Wilmslow, which is a family-orientated community</p> <p><u>Knutsford Methodist Church</u> I am writing having heard of the concerns of my colleagues in Churches in Macclesfield. There is real concern that without the zero policy for all sex establishments the nature of towns and market towns in the Borough will be altered. We need a Council who are willing to give a moral lead to the citizens and seek to protect the vulnerable both the communities in which they are sited and those who</p>
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19.	Wilmslow resident	<p>I strongly urge Cheshire East Borough Council to adopt section 27 of the Policing and Crime Act 2009, so that local authorities can have more powers to control the number and location of lap dancing clubs and similar venues in our area.</p> <p>I would like you to have the power to refuse an application on wider grounds than is currently permitted and give local people a greater say.</p> <p>Many residents of small towns in Cheshire find 'sexual entertainment venues' totally inappropriate and would welcome this new regulation.</p>
20.	Wilmslow Resident	<p>We strongly believe that Cheshire East Borough Council should adopt the amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 which introduces a regime for the regulation of sexual entertainment venues in the Borough.</p> <p>You should have the power to refuse an application on wider grounds than is currently permitted, introduce greater regulation and give local people a greater say, and we would encourage you to seek those powers</p> <p>'Sexual entertainment venues' are totally inappropriate for small towns in Cheshire, we are confident that many residents would welcome greater regulation.</p>
21.	Wilmslow Business Operator	<p>I run a small business in Wilmslow and I would like you to adopt Section 27 of the policing and Crime Act 2009, so that local authorities can use more powers to control the number and location of lap dancing clubs and similar venues in the area.</p>

		<p>I would be grateful if you had the power to refuse an application on wider grounds than is currently permitted and for local residents and businesses to be able to influence those decisions.</p> <p>Although we have not had any direct problems with the current lap dancing club in the area we feel it would be inappropriate for the area for more clubs with sexual entertainment to open without more consideration of the effect on existing businesses and residents.</p> <p>I would be grateful of your consideration of this matter.</p>
22.	Wilmslow resident	<p><b>New Regulation of Sexual Entertainment Venues</b></p> <p>I urge you to adopt section 27 of the Policing and Crime Act 2009 so that Cheshire East can have more power to control the number and regulate sexual entertainment venues.</p> <p>As in paragraph 3.2 you recognise the principle purpose of this entertainment is to sexually stimulate the audience, have you identified the percentage of that audience who would look for sex having visited such an establishment?</p> <p>In paragraph 3.5 you state that the local authority may refuse to grant the licence if it was felt to be inappropriate for the locality. I have canvassed many people and I have yet to find one who feels Wilmslow is an appropriate locality for lap dancing. Why does Cheshire East Council currently disagree with local residents?</p> <p>When a business wishes to add to their premises, for example 'Barinda', external seating area, signs were placed and local people were contacted directly by your council. Could sexual entertainment venues have the same system?</p> <p>Paragraph 3.8 points out that the licence could be inappropriate to other users of premises in the area. The current licence holder is only yards from residential areas, churches and Wilmslow Preparatory School. Could schools, local churches and existing businesses be contacted for their views before further licences are issued?</p> <p>In the Sexual Entertainment conditions you state that indecent behaviour including sexual intercourse should not take place. Firstly, what is your definition of indecent behaviour, secondly, as these venues offer 'private one on one rooms how can this be policed?</p> <p>Would you consider adding regulations regarding dress? In my opinion topless dancing and see-through fabrics provide indecent behaviour, what are your findings?</p> <p>Finally, I would like you to have the power to refuse an application on wider grounds than is currently permitted and give local people a greater say.</p>
23.	Macclesfield resident	<p>As a resident of Macclesfield town centre, objector to the recent Repent lap dancing licence application, and one of the founding members of Macclesfield Barnaby Festival (established last year to promote and enhance the cultural and community life of Macclesfield) I applaud CEC for bringing forward this consultation and <b>absolutely support the proposal</b> of the Council to adopt the amendments to Schedule 3 of the 1982 Act, and introduce a new regime for the regulation of sexual entertainment.</p> <p>Generating the determination to build confidence in a town and fuel growth takes enormous time, skill and energy of its people. There needs to be good will and determination from community and business organisations, and the support of local government. In Macclesfield we are seeing such a coming together, and a strong partnership emerging at this time. There are few commercial interests which have</p>



the capacity to undermine this kind of momentum – but the establishment of sexual entertainment venues is one of them. What takes years to build, can be undone very quickly. Therefore it is extremely important to consider this policy very carefully.

In response to the consultation on the draft policy :

General points :

I would however like to see the proposals **extended** to cover other sex establishments such as sex shops or sex cinemas, and not just lap-dancing venues.

The policy appears to have a **neutral approach** to the licensing of sexual entertainment venues. However the nature of the area covered by Cheshire East, the declared priorities of the recent CEC Visitor Economy consultation, Local Area Partnership application and stated aims, and everything which affects the Macclesfield area specifically (Macclesfield Redevelopment Plan process, Cheshire's Peak District branding, "Make it Macclesfield" proposed branding, Barnaby Festival and related community and town centre events such as the hugely successful Treacle Markets, Macc ice rink, new town centre bars and restaurants, and recent addition to the Silk Road project of the UN World Tourism Organisation) suggests there **should be a presumption not to license sexual entertainment**. This would demonstrate clear strategic direction and 'joined up' thinking by CEC, minimise speculative or mischievous applications, and would not of course prevent every application being judged on its merits.

Specific points :

**3.6 Relevant locality**

The Council may not seek to define "locality" as the whole of the administrative area, or town, but it seems unnecessary to state in its policy that the Council is not able to determine the entire town or area as a relevant locality. There are some areas within Cheshire East where locally elected representatives, community organisations and commercial and entities may decide that premises for sexual entertainment are not appropriate in their town. The ability to judge every case on its merits must surely mean that this option should be open to the Council, including that it see fit to define "locality" as the whole town. Why restrict the Council's options at this point?

**3.8 Character of the relevant locality and use of premises in the vicinity**

The list of characteristics generally considered to be inappropriate seems unnecessarily limited or prescriptive, not allowing for the unique characteristics of areas – which after all give them their quirky individuality or strong sense of identity, and may be of great relevance to the suitability of an application.

As a founder member of the Barnaby Festival, the exemption of historic or culturally significant buildings or conservation areas is of particular concern to me. Also culturally important venues or fixtures, as well as entertainment venues of other types (there are currently plans for a performance venue/ theatre/ outdoor piazza in Macclesfield) need a voice. In addition, transport hubs create an important first impression for new arrivals and should be considered as a place where the public have to spend periods of time. However, there are also others. I suggest the removal of a list so as not to limit the number of categories, or be extended to include the following:

*Historic buildings, restoration areas, improvement areas, planned improvement areas, conservation areas or tourist attractions;*

*Transportation areas including but not limited to bus stops, bus terminals, train stations;*

		<p><i>Entertainment centres, venues or public or private indoor or outdoor spaces used for cultural and artistic purposes, where the presence of a place of sexual entertainment could have tangible economic or intangible reputational/cultural impact;</i></p> <p><i>Public buildings including but not limited to swimming pools, leisure centres, public parks, youth centres/clubs, mental health centres, disability centres, and sheltered housing.</i></p>
24.	Comments made by Sustainable Communities Scrutiny Committee (meeting on 4 <sup>th</sup> November 2010).	<ol style="list-style-type: none"> <li>1. Endorsed the principle of adopting amendments to Schedule 3 of the 1982 Act;</li> <li>2. Recommend that company directors/secretary undergo CRB checks</li> <li>3. Note the importance of being able to sufficiently enforce the regulations post grant of a licence.</li> </ol>

