

Wednesday 1 May 2024

**LICENSING SUB-COMMITTEE**

A meeting of **Licensing Sub-Committee** will be held on

**Thursday, 9 May 2024**

commencing at **9.30 am**

The meeting will be held in the Banking Hall, Castle Circus entrance on the left corner of the Town Hall, Castle Circus, Torquay, TQ1 3DR

**Members of the Committee**

Councillor Douglas-Dunbar

Councillor Johns

Councillor Barbara Lewis

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**A Healthy, Happy and Prosperous Torbay**

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# LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**  
To elect a Chairman/woman for the meeting.
2. **Apologies**  
To receive apologies for absence, including notifications of any changes to the membership of the Sub-Committee.
3. **Minutes** (Pages 3 - 6)  
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 28 March 2024.
4. **Declarations of interests**
  - (a) To receive declarations of non pecuniary interests in respect of items on this agenda  
**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
  - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda  
**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.  
  
(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
5. **Urgent items**  
To consider any other items that the Chairman decides are urgent.
6. **Within Temptation, Lower Union Lane, Torquay** (Pages 7 - 55)  
To determine an application for the Grant of a Sex Entertainment Venue Licence in respect of Within Temptation, Lower Union Lane, Torquay.

**Minutes of the Licensing Sub-Committee**

**28 March 2024**

**-: Present :-**

Councillors Johns, Joyce and Barbara Lewis

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**27. Election of Chairman/woman**

Councillor Johns was elected as Chairman for the meeting.

**28. Minutes**

The Minutes of the meeting of the Sub-Committee held on 29 February 2024 were confirmed as a correct record and signed by the Chairman.

**29. The Old Coaching Inn, 61 Fore Street, Brixham, TQ5 8AG**

Members considered a report on an application for a review of a Premises Licence in respect of The Old Coaching Inn, 61 Fore Street, Brixham, TQ5 8AG.

Written Representations received from:

Name	Details	Date of Representation
Public Protection Officer	Application for a review of the Premises Licence in respect of The Old Coaching Inn.	5 February 2024
Responsible Authority	Representation in support of the application for review of the Premises Licence in respect of The Old Coaching Inn.	4 March 2024
Member of the Public	Representation in support of the application for review of the Premises Licence in respect of The Old Coaching Inn.	Undated
Member of the Public	Representation in support of the application for review of the Premises Licence in respect of The Old Coaching Inn.	Undated
Member of the Public	Representation in support of the application for review of the Premises Licence in respect of The Old Coaching Inn.	4 March 2024

Oral Representations received from:

Name	Details
Public Protection Officer	The Public Protection Officer outlined her application and responded to Members questions.
Police	The Police outlined their representation and responded to Members questions.
Respondents	The Respondents outlined their response to the application, played a selection of video clips, submitted representations and responded to Members questions.
Ward Councillor	On behalf of a Member of the Public, outlined their representation.

**Decision:**

That the Premises Licence for The Old Coaching Inn, 61 Fore Street, Brixham, be modified as follows:

- 1) A minimum of one SIA licensed door supervisor shall be employed at the premises on a Friday and Saturday from 21:00 hours until all patrons have left the immediate vicinity of the premises on closing.

At all other times, the Premise Licence Holder or Designated Premises Supervisor will risk assess the need for SIA licensed door supervisors, based on anticipated patron numbers and employ SIA licensed door supervisors at such times as deemed necessary by the risk assessment.

- 2) An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:

- The reason for refusal
- Details of the person refusing the sale
- Description of the patron being refused
- Any other relevant observation

The refusals register will be made available for inspection and copying on request of an authorised officer of a Responsible Authority.

In addition, Members resolved to remove the current Designated Premises Supervisor of the premises known as The Old Coaching Inn, 61 Fore Street, Brixham, with immediate effect.

**Reasons for decision**

Having carefully considered all the written and oral representations, Members unanimously resolved to modify the premises license by adding the two conditions and to remove the Designated Premises Supervisor (DPS) with immediate effect, as they were satisfied on the evidence before them that such modification and removal

was appropriate and would alleviate the concerns raised by the Applicant and the Police, and in turn, seek to ensure that the premises future operation would promote the Licensing Objectives.

Members gave serious consideration to revoking the Premises Licence and separately, to reducing the Premises operating hours and licensable activities as requested by the Applicant, but on this occasion, resolved that the additional conditions and removal of the DPS would achieve the required outcomes, alleviate concerns, and promote the Licensing Objectives.

Notwithstanding that the Premises Licence Holder (PLH) had begun to take steps to address the primary issue of concern raised by the Applicant and the Police, around anti-social behaviour and the associated noise which had been the subject of a complaint, in Members opinion, they had been slow to act upon the advice provided by the Responsible Authorities regarding employing a SIA licensed door supervisor at the premises, and noted that following that which they had experienced on 9 December 2023 with anti-social behaviour, had taken the step to temporarily close the premises instead.

Members noted from the evidence supplied by the PLH, that they had contacted a security company on 30 November 2023 to enquire as to costings for the SIA door supervisors that had been recommended. However, there appeared to be no clear intention that their services would be engaged, despite the DPS acknowledging that they were required, with the PLH stating that to do so was not an option for them financially.

Members determined that an SIA licensed door steward was appropriate, having been concerned with the submissions from the Police that customers were being allowed to 'control the premises'. Members disagreed with PLH's view that having a SIA licensed door supervisor present would reflect badly, instead forming the opinion that this may encourage more patrons who perceived the premises as being well managed and safe, in turn dispelling any public perception that this may be a problem premises which on the evidence before them, appeared to Members to be so due to weak management.

In respect of the anti-social behaviour complained of, it was clear to Members from the footage provided by the Premises Licence Holders that Fore Street, Brixham was a noisy thoroughfare for those leaving the harbour area. Therefore, Members could not be satisfied that all the noise complained about could be attributed to the premises, though accepted that some could have been caused by patrons leaving the premises uncontrolled and that the presence of an SIA licensed door supervisor would assist in dispersing patrons leaving the premises in an orderly manner to mitigate the likely effect of noise nuisance caused by the premises operations, where it was clear to Members that staff at the premises were not able to do so.

Members were concerned to hear from the Police that underage drinking had been reported to them and whilst the DPS and PLH both denied that they had served underage patrons with alcohol, Members were further concerned to hear that the DPS admitted to passing the responsibility of policing underage drinking to the accompanying responsible adult which fell well below the standard they could have

reasonably expected from a person in this responsible position. Especially where concerns of underage drinking would have been known. Members felt a reasonable and proportionate response was required and resolved to add a condition to the licence that a refusal log must be kept on the premises which would in turn provide reassurance to Responsible Authorities.

Whilst the Applicant had referred to noise nuisance from the premises emanating from the performance of live music at the rear of the premises, Members were disappointed to note that despite the Licensing Authority receiving two complaints in July 2023 and a further complaint in September 2023, these were left uninvestigated, and the PLH's only became aware of these following the Applicant's letter to them of 18 October 2023. Members noted that whilst these complaints related to noise nuisance, and noise diaries had been provided to the complainants, no evidence as to noise levels, or frequency, was before them. The PLH confirmed that only two live music events had taken place during 2023. Whilst two videos showing live music had been provided by the PLH, Members were only able to assess the video playback volume and not the noise level that would have been heard either in or outside of the premises at that time.

Members felt there was not enough evidence before them to warrant removal of live music as a licensable activity and to do so would have been a disproportionate response.

In concluding, Members unanimously resolved that they had no confidence in the current DPS and that the premises was not being managed effectively. By her own admission she struggled to ensure that the premises closing time was adhered to; that poor behaviour was challenged, and to have control over the premises. Member further noted the Applicant's view upon questioning that even with additional conditions as proposed, that the DPS would require a lot of support in managing the premises going forward, yet there was no plan put forward by the PLH to achieve this.

The DPS by her own admission did not feel that she was in control of the premises since the anti-social behaviour experienced on the evening of 9 December 2023, and offered to step down. As a town centre premises, operating in the nighttime economy and in the interest of patron and public safety and the promotion of the Licensing Objectives, Members were of the unanimous opinion that a weak DPS such as that currently in place could not be tolerated. Notwithstanding the DPS's offer to step down, Members determined it was appropriate to remove the DPS with immediate effect, to ensure patron and public safety.

Should issues arise as a result of modifying this premises licence, Members noted that a further Review of the premises licence is available to a Responsible Authority or any other person.

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Chairman/woman

## **TORBAY COUNCIL**

Briefing Report No:

Public Agenda Item: **Yes**

Title: Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 – An application for the Grant of a Sex Entertainment Venue Licence in respect of Within Temptation, Lower Union Lane, Torquay

Wards Affected: **Tormohun**

To: **Licensing Sub Committee**

Contact Officer: **Julie Smart**

☎ Telephone: **01803 208025**

✉ Email: **licensing@torbay.gov.uk**

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### **1. Key points and Summary**

- 1.1 To consider and determine an application for a new Sex Entertainment Venue Licence under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (LG(MP)A 1982) for the above-named premises. The report sets out the application details, representations, policy and legal context along with other considerations that the Licensing Sub-Committee requires in order to determine this application.

### **2. Recommendations**

- 2.1 That following consideration of this report, any information given orally at the hearing and/or in writing by the applicant, objectors or consultee, the Licensing Sub-Committee may determine to:

(a) to grant the licence in full. The Committee may also determine to grant the licence in part.

(b) to grant of the licence in full or in part subject to standard conditions (as amended), conditions which form part of the application, conditions proposed by parties to the hearing, or any other condition the Licensing Sub-Committee considers appropriate.

(c) grant a Waiver.

(d) refuse the application.

- 2.2 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Applicant, Responsible Authorities and all Interested Parties, following the determination of the matter.

### **3. Application**

- 3.1 An application has been made under Schedule 3 of the Act for a Licence to permit relevant entertainment at the premises detailed above. Details of the relevant pages of the application are shown in Appendix 1.

A brief description of the application, is as follows: -

Relevant entertainment in the form of live performances of sex and displays of nudity between the following times:

Every day of the week from 1000 to 0130 hours.

The plan accompanying the application is shown in Appendix 2.

A photograph showing the exterior of the premises is shown in Appendix 3.

Policy documents provided by Within Temptation Ltd to support the application are shown in Appendix 4.

### **4. Determination of Application**

- 4.1 The Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of the Act but is unable to issue the Licence as objections have been received and the application falls outside the scope of Torbay Councils Statement of Licensing Policy for Sex Establishments.

- 4.2 Paragraph 2.1 of Torbay Councils Statement of Licensing Policy for Sex Establishments (17 March 2011) states:

Torbay Council being the Licensing Authority in Torbay for the purposes of the Act recognises that it can set a quantity limit regarding the number of sex establishments in an area. For the purpose of the consultation this has been set as follows:

Sex Shops – Two (in line with the existing numerical limit)

Sex Cinemas – Nil

Sexual Entertainment Venues (Lap dancing and striptease) – Two

- 4.3 Paragraph 2.2 of the Policy indicates that irrespective of the numerical limit, the Council will treat each application on its own merits.

- 4.4 Currently there are two licensed Sexual Entertainment Venues within Torbay. These being Stage Door, 17 The Strand, Torquay, and Steamer Quay, Rock Road, Torquay. Stage Door operates as a lap dancing/striptease premises. Steamer Quay operates as a sexual encounter premises where like-minded, consenting adults meet for sexual purposes.

- 4.5 Within Temptation operates in a similar manner to Steamer Quay and has been operating as an unlicensed Sexual Entertainment Venue since July 2021.

- 4.6 Officers consider that despite the cap of two Sexual Entertainment Venue licenses within Torbay, Within Temptation should be licensed as it is in the public interest to ensure that the premises meet an appropriate standard in respect of public

safety. This would be achieved through the annual renewal application process, together with visits to ensure the mandatory conditions are being complied with.

4.7 Paragraph 3.21 of Torbay Council's Policy states

"The Licensing Authority will attach all the relevant standard conditions to any licence. The Council recognises that each application should be considered on its own merits and as such will consider any Representations about the alteration to, addition to or removal from this standard list. However, there will need to be good reason to depart from the agreed conditions found within the attached appendices C and D. This will need to be agreed by Licensing Committees. There are no standard conditions for Sex Cinemas, as the Council has a numerical limit of zero."

4.8 Appendix D refers to the standard conditions for Sexual Entertainment Venues. However many of the conditions relate to performers in respect of lap dancing and striptease and, as these forms of entertainment do not take place at this premises, these conditions are not relevant.

4.9 Representation has been received from Mrs Rachael Hind, Regulatory Services Manager, in respect of alternative proposed conditions, prepared in consultation with Devon and Cornwall Police, which are requested to be added to the licence. Mrs Hind has discussed the proposed conditions with the Applicant, who has indicated that some of the proposed conditions are acceptable to them, but they have not provided any further clarification. Mrs Hind's Representation is shown at Appendix 5.

4.10 The Licensing Sub-Committee will need to determine whether the layout, character and condition of the premises are appropriate for the grant of a Sexual Entertainment Venue Licence in line with the Council's Licensing Policy. In this regard, when determining this application, the Licensing Sub-Committee will need to take into consideration several factors, namely the locality of the venue and its surrounding premises such as schools and places of worship.

## 5. Relevant History

5.1 There is no history of a Sex Establishment (Sexual Entertainment Venue) Licence at this premises. However, the premises has been operating in its current format for approximately 3 years.

5.2 The premises has the benefit of a Premises Licence under the Licensing Act 2003. The Licensing Authority is satisfied that the Licensing Objectives are being met.

## 6. Policy Considerations

6.1 Suitability of Applicant:

Within the application, the Company Directors and Manager have stated that they have no relevant convictions and Devon and Cornwall Police have not objected to the application on the grounds that the Directors and Manager are not suitable to hold a Sex Establishment Licence.

6.2 Is the Sex Establishment Venue being carried on for the benefit of another:

The applicant has stated that the business is not carried on for the benefit of another.

6.3 Appropriate number of Sex Establishments in an Area:

Paragraph 2.1 of the Policy states that the following limits have been set:

Sex Shops – Two

Sex Cinemas – Nil

Sexual Entertainment Venues (Lap Dancing and Striptease) – Two

The granting of this application will exceed the set limit for Sexual Entertainment Venues. The Licensing Sub-Committee are invited to determine this application on its own merit and should consider diverting from the Policy if it considers that it is appropriate to grant a licence to promote public safety at the premises.

6.4 The Character of the Relevant Locality:

The premises are situated in Lower Union Lane, Torquay which comprises of commercial premises.

6.5 The use to which any premises in the vicinity are put:

Lower Union Lane, Torquay consists of the rear entrances of businesses located on Union Street, Torquay, Buzz Bing, a short stay car park, a multi-storey car park, a large commercial premises the use of which is not known, with a small number of residential premises.

The distance from Within Temptation to the closest place of worship, the Church of the Assumption of Our Lady on Abbey Road, Torquay, is approximately 160 metres.

The premises are situated approximately 320 metres from the Leonard Stock Centre, Factory Row, Torquay which has a history of social difficulties.

An EF Language School is situated at 61 Abbey Road, Torquay, directly behind Within Temptation.

Little Palms Nursery, an early years alliance setting, is situated on the 3<sup>rd</sup> Floor of Zig-Zag's Childrens Centre at 32 Market Street, Torquay, approximately 320 metres away.

There are no historical buildings, cultural/tourist attractions, community facilities, or public buildings within 300 metres of Within Temptation.

6.6 Layout, Character and Condition of the premises:

The building consists of two floors. The ground floor of the premises contains a bar, toilets, shower and changing facilities, a plunge pool and entertainment area. The first floor comprises of entertainment areas and access to a roof terrace smoking area. The entrance to the premises consists of a double door with a bell entry system. All windows are obscured so no internal view of the premises is afforded from the street. The front of the premises can be seen in the photograph at Appendix 3.

## **7. Objections**

- 7.1 We have received two objections in respect of this application, from EF Language School, 61 Abbey Road, Torquay and from a local resident who is concerned about the proximity of Within Temptation to the language school, a nursery in Market Street, and another nursery/pre-school or childminder located at the junction of Abbey Road and Warren Hill.
- 7.2 Research of the internet by the Licensing Officer has not identified a child care business at the junction of Abbey Road and Warren Hill.
- 7.3 These objections are shown in Appendix 6.

## **8. Legal Implications**

- 8.1 Before refusing to grant an application, the Licensing Authority shall give the applicant opportunity to appear before and of being heard by the Licensing Sub-Committee (paragraph 10(19) Schedule 3 LG(MP)A1982).
- 8.2 In considering this application, the Licensing Sub-Committee shall have regard to any observations submitted to them by the Chief Officer of Police and any objections that have been received in writing within the 28-day consultation period (paragraph 10(18) Schedule 3 LG(MP)A1982).
- 8.3 The Licensing Sub-Committee may refuse to grant a licence for the following reasons set out in (paragraph 12(3) Schedule 3 LG(MP)A1982):
  - a) That the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
  - b) That if the licence were to be granted the business to which it relates would be managed or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
  - c) That the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
  - d) That the grant or renewal of the licence would be inappropriate, having regard:
    - i) To the character of the relevant locality, or
    - ii) To the use of which any premises in the vicinity are put; or
    - iii) To the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

An applicant whose application for the grant or renewal of a licence is refused on either ground specified in paragraph c) or d) above shall not have the right to appeal to the Magistrate's Court

- 8.4 If the Licensing Sub-Committee determines to grant a Sexual Entertainment Venue licence, the licence will be subject to the standard conditions for Sexual Entertainment Venue licences unless the Sub-Committee determine that certain

standard conditions should be expressly excluded or varied (paragraph 13(4) Schedule 3 LG(MP)A1982).

- 8.5 Should the Licensing Sub-Committee determine to refuse the application for the grant of a licence under paragraph 12(3)(a) or (b) Schedule 3 LG(MP)A1982, the applicant may appeal to the Magistrates Court within 21 days beginning with the date on which the applicant is notified of the refusal of his application (paragraph 27(1) Schedule 3 LG(MP)A1982).

## **Tara Harris Divisional Director Commercial and Customer Services**

### **Appendices**

- Appendix 1 Application form
- Appendix 2 Plan of the Premises
- Appendix 3 Photograph of front of premises
- Appendix 4 Policy Documents provided by Within Temptation Ltd
- Appendix 5 Conditions proposed by Mrs Rachael Hind, Regulatory Services Manager
- Appendix 6 Objections to application.

### **Documents available in Members' rooms**

None

### **Background Papers:**

The following documents/files were used to compile this report:

Torbay Council Statement of Licensing Policy for Sex Establishments – 17 March 2011  
Local Government (Miscellaneous Provisions) Act 1982  
Policing and Crime Act 2009  
Home Office Guidance March 2010

- 1 FEB 2024

COMMUNITY SAFETY

Form SE1

Licensing and Public Protection, Torbay Council, Town Hall, Castle Circus, Torquay, TQ1 3DR

**Application For A Sex Establishment Licence**

Local Government (Miscellaneous Provisions) Act 1982 As Amended

**Please read the following instructions**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

All questions must be answered, save where otherwise stated. If relevant questions are not answered, the application will be deemed incomplete and returned to the applicant.

Any person who, in connection with an application for a grant of a sex establishment licence makes a false statement which he knows to be false in any material respect of which he does not believe to be true is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.

**Section 1 - APPLICATION DETAILS**

1. Is the application for a:

- |   |                            |                          |          |                          |            |
|---|----------------------------|--------------------------|----------|--------------------------|------------|
| x | Sexual Entertainment Venue | <input type="checkbox"/> | Sex Shop | <input type="checkbox"/> | Sex Cinema |
| x | Grant                      | <input type="checkbox"/> | Renewal  | <input type="checkbox"/> | Variation  |

If the application is for a variation, please state the nature of the variation:

**Section 2 - APPLICANT DETAILS**

2. Is the applicant:

- |                          |  |                                    |
|--------------------------|--|------------------------------------|
| <input type="checkbox"/> | An individual                              | (please answer questions 3 and 4)  |
| x                        | A company or other corporate body          | (please answer questions 5 to 9)   |
| <input type="checkbox"/> | A partnership or other unincorporated body | (please answer questions 10 to 12) |

**Individual Application**

3. Full name of applicant (individual):

Former or previous names:

Home address:

Post town:

Post code:

Telephone numbers:

Date of birth:

4. Are there any other persons responsible for the management of the premises/business other than those stated in question 3? Please state their names and addresses:

**Company or other corporate body**

5. Name of applicant (company name): Within Temptation Ltd

Address of registered or principal office: 22 Manor Gardens

Post town: Kingkerswell

Post code: TQ125HF

Registration number: 12122611

6. Name and address of the applicant's directors and company secretary (please use additional sheet if necessary):

Chris Harry, MD, 22 Manor Gardens  
Kingswerswell  
Newton Abbot  
TQ125HF

David Harry, D, address as above

Nikki Herbert, Secretary, address as above

Are there any other persons responsible for the management of the premises/business other than those stated in question 5 and 6? Please state their names and addresses:

Lisa Harry  
22 Manor Gardens  
Kingskerswell  
TQ125HF

8. State the names of all persons with a shareholding greater than 10% in the business:

Christopher Harry

9. Is the business a wholly owned subsidiary or another company or corporate body? If so state the name, place of registration and identity of its directors and company secretary:

No

**Partnership or other unincorporated body**

10 Name and address of applicant:

N/A

11 Names and addresses of applicant's partners (please use additional sheet):

N/A

12 Are there any other persons responsible for the management of the premises/business other than the partners? Please state their names and addresses:

N/A

**All applicants**

13 a. Has the applicant ever been known by any other name? Yes  No

b. Has the applicant ever been convicted of a criminal offence? Yes  No

c. Has the applicant ever been refused a sex establishment licence? Yes  No

d. Has the applicant ever had a sex establishment licence revoked? Yes  No

e. Has the applicant ever been served with a winding up petition? Yes  No

If the answer to any of these questions is yes, please provide details:

14 Applicants' trading address or head office (other than the premises):

22 MANOR GARDENS  
KINGSKERSWELL  
TQ12 5HF

15 Will the business for which this licence is sought be carried on for the benefit of a person other than the applicant? Yes  No

If the answer is yes, state the name, address, place of registration, registered number and the identity of all directors, company secretary and those with a greater than 10% shareholding:

16 Does the applicant operate any other sex establishments, licensed or otherwise? Please state name, address, and type of sex establishment of each:

No

### Section 3 - PREMISES DETAILS

17 Please state the name the business will be known as:

Withing Temptation

18 Is the premises a  Premises  Vehicle  Vessel  Stall

19 Where is it proposed to use the vehicle, vessel or stall?

20 In the case of a sex shop, does the company propose to only operate on the internet? (if yes answer questions 21 to 28 only) Yes  No

21 Premises address:

WITHIN TEMPTATION  
LOWER UNION LANE

Post town: TORQUAY

Post code: TQ2 5PR

Telephone number at premises:

22 Which part of the premises is to be used as a sex establishment?

Entire Building

23	Is the applicant <input checked="" type="checkbox"/> owner <input type="checkbox"/> lessee <input type="checkbox"/> sub-lessee <input type="checkbox"/> other	
24	<p>If the applicant rents the property state:</p> <p>a. Name and address of landlord</p> <p>b. Name and address of the superior landlord:</p> <p>c. Total annual rental:</p> <p>d. Length of unexpired term:</p> <p>e. Notice required to terminate tenancy:</p>	
25	<p>Please provide details of the building management company (if appropriate):</p> <p>N/A</p>	
26	<p>State the current use of the premises:</p> <p>Private Member Venue with displays of nudity and live sex</p>	
27	<p>Has planning permission, or a certificate of lawful use, been obtained for the use of the proposed premises?</p>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
28	<p>Can members of the public access the premises:</p> <p>a. Directly from the street? Yes</p> <p>b. From other premises?</p> <p>c. Not at all? (internet sales only)</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
29	<p>Are the premises so constructed or adapted and laid out as to permit access to, from and within the premises (including WC facilities) for members of the public who are disabled? Disabled persons can access ground floor incl WC</p> <p>If you have ticked 'no' please state your proposals for affording such access:</p>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
30	<p>a. Numbers of door supervisors: 2</p> <p>b. Hours door supervision in place: 6 hours Friday and 6 hours Saturday</p>	
31	<p>Are the premises currently being used as a sex establishment?</p> <p>Please provide details of the business currently operating the business:</p>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Private Members Adult only Member Club with displays of nudity and live sex

32 Are the premises licensed under any other Act such as the Licensing Act 2003? Yes x No

Please state the name of the designated premises supervisor:

Lisa Harry

**Section 4 - OPERATING SCHEDULE**

33 Opening hours: (If internet sales only please tick here  and continue to Q40)

Monday: [REDACTED] 1000 - 0130

Friday: [REDACTED] 1000 - 0130

Tuesday: [REDACTED] 1000 - 0130

Saturday: [REDACTED] 1000 - 0130

Wednesday: [REDACTED] 1000 - 0130

Sunday: 1000 - 0130

Thursday: [REDACTED] 1000 - 0130

34 Has the applicant entered into any written or oral agreement in connection with the business, for example a management agreement, partnership agreement or profit share arrangement? Please provide details: Yes  No x

a. Please provide details of any lender, mortgage or others providing finance:

b. Please provide details of any merchandising agreements:

**Premises management**

35 Please state the name of the person who will be in day to day control of the premises (the manager):

Chris Harry

a. Will the manager be based at the premises? Yes  No x

b. Will the management of the premises be the manager's sole occupation? Yes  No x

36 Who will be in control of the premises in the manager's absence (relief manager)?  
Lisa Harry

a. Will the relief manager be based at the premises in the absence of the manager? Yes Yes

If you have ticked 'no' to any of the above, please provide details:

The Building is Not accessible to members, unless by private hire, when management are not present within the building.

(Please complete an SE2 form for each person mentioned in this section)

### External appearance and advertising

37 Please describe the proposed exterior signage and advertising. Please include nature, content and size of each sign and any images to be used:

Sign saying "Within Temptation" with image of a clothed female as shown in photograph.

Please note that a drawing/photo of the front elevation is required to be submitted with this application

38 Please describe how the interior of the premises is obscured to passers by:

All windows have been covered, No visibility of interior from any exterior elevation.

39 Please describe any proposed window displays:

No windows to display within.

40 Please describe how the business is to be advertised, i.e. business cards, billboard advertising, personal solicitation, advertising on motor vehicles, radio or television advertising:

Word of mouth. Private Members Website.

### Policies and Operating Schedule

41 Please provide details of the age verification policy:

All members are required to bring photo ID, Valid driving licence or passport. Also proof of their "fab swingers" profile.

42 Please provide details of the CCTV arrangements:  
Motion controlled, Full Hd CCTV, in communal areas, hallways and on every exit.  
Recordings kept securely, internally on HDD in the premises office. 13 Cameras in total.

43 State measures to be taken to prevent nuisance to residents and businesses in the vicinity:

Closed door policy, signage to the rear smoking terrace asking for quiet for the immediate neighbours. Member leave though the front entrance onto a street with no open businesses. Again signage to ask for polite quiet for any neighbours.

44 State measures to be taken to promote public safety:

The interior of the building is kept to a strict cleaning rota, with additional products for cleaning left for public use. No glass vessels used within the building to reduce the risk of wounding. Condoms are available in all play areas and advice on support for sexual health available through pamphlets.  
The building has an extensive fire, heat and smoke alarm system, zoned into separate areas.  
Each area within the building has the relevant signage for, exits, fire extinguishers, potential hazards, smoking, even the correct attire.

45 State measures to be taken to prevent crime and disorder:

The building has a modern and High definition camera system, this has been used in the past by D&C police when making enquiries about a break in to a derelict building opposite within temptation.  
A zero tolerance to drugs. Anyone found to be using drugs will be subject to the police being called.  
Any person deemed to be drunk shall no longer be served alcohol and requested to leave.

46 State measures to be taken to protect children from harm:

No child under the age of 18 to access the building at anytime.  
No signage or wording on the building that can be read by passing children.  
Any person without correct identification will not be permitted entry.

47 State measures to ensure employees age and right to work in the UK:

Photographic ID, utility bill used for address, HMRC online right to work checking service.

48 Describe training and welfare policies:

Onsite training for bar cover and cleaning. Regular breaks are given, more so than the 20 mins in 4 hours. Free soft drinks for all staff.

**Applications for Sexual Entertainment Venues Only**

49 Is the proposal for full nudity?

Yes xNo

50 Describe the nature of the entertainment, e.g. lap-dancing, pole dancing, stage strip-tease:

Swingers Venue, Allowing couples and like minded singles a safe place to enjoy a hedonistic lifestyle away from the public eye.

Many different fantasy areas, dungeon, multi person beds, a pole for dancing, plunge pool, multi person shower and "glory holes"

51 Please enclose a copy of the code of practice performers must abide by (or equivalent document), and describe how performers will be monitored to ensure compliance:

There are no employed dancers, entertainers or sex workers.

- 52 Please enclose a copy of the code of conduct customers must abide by (or equivalent document), and describe how customers will be monitored to ensure compliance:

#### CLUB RULES

We have tried not to have a huge number of rules, however, there must be some for your safety and wellbeing. We also ask you to use your own common sense too. Anyone breaking these rules will be asked to leave, we reserve the right to revoke any membership without refund and will be permanently barred.

Always the most important

NO Means NO, if you're unsure, ask politely, manners cost nothing!

#### DRUGS

No drugs of any kind to be consumed on the premises. We operate a serious no drugs policy.

Anyone abusing this will have their membership revoked without refund and will be permanently barred.

#### BAGS, VALUABLES & PHONES

Phones must only be used in the front bar area. We have free to use lockers for bags and other valuables.

#### STRICTLY NO CAMERAS OR PHOTOGRAPHY

Unless by prior arrangement no usage of film or videography equipment is permitted to be used onsite. Any usage of recording equipment without prior permission will result in your membership being revoked without refund and permanently barred.

We value people's privacy.

#### SMOKING

With present laws and regulations, all smoking and vaping to be done outside. We have a covered heated area at the rear of the club.

Our beer garden is semi-secluded for your private liaisons. (NOT IN USE)

#### ENTRY/ADMISSION

Management reserve the right to refuse entry to anyone.

This is our policy.

#### LOSS OR INJURY

Within Temptation Ltd will not be held responsible for any loss or injury sustained by anyone, whilst on the premises

#### DRESS CODE

Smart casual, no tracksuits/work clothes.

Dress to impress, first impressions go a long way.

The front bar, no nudity, a place to meet and meet from novice to expert.

As for the rest of the building, anything goes.

**DRINKING**

Please drink responsibly.

We reserve the right to refuse sales of alcohol if we deem you intoxicated

Just remember you're all here for the same reason.

Have Fun!

**SINGLE MEN**

Don't come expecting your going to get some action! We cannot force people to play with you. Arrive smart, smelling good & get mingling early on to see who is interested in having a third party involved.

You are welcome mainly on Fridays but there are exceptions to our Saturday events so read the event details but remember you always need to ask or be invited to play/watch. Stage, gloryholes, pool & sauna will still be accessible. Please be respectful and always ask before joining in or watching.

You will no longer be permitted to wonder the private play room section of the building unless invited in by someone! As some of you simply don't understand a simple concept of if a door is closed don't enter. You will be given one warning the second time you will be asked to leave!! don't stand staring, it's not very becoming and NO means NO

**Safe Sex & Sexual Health**

Safe sex is a sexual activity using methods or devices (such as condoms) to reduce the risk of transmitting or acquiring sexually transmitted infections (STIs), especially HIV.[1] "Safe sex" is also sometimes referred to as safer sex or protected sex to indicate that some safe sex practices do not completely eliminate STI risks. It is also sometimes used colloquially to describe methods aimed at preventing pregnancy that may or may not also lower STI risks.

Please use the condoms provided and if you have any concerns about your health, please make sure you speak to the person you are about to engage with.

53 Please enclose a copy of the welfare policy for performers (or equivalent document) and describe how this will be distributed:

No employed performers

54 Does the business intend to provide vehicles to transport customers or performers to and from the premises? Yes  No

Please enclose copies of the relevant licences issued by Taxi and Private Hire Licensing.

**Further information**

55 Please set out any further information you wish the authority to take into account:

56 Is there any information on this form you do not wish to be seen by members of the public? If so state which information and the reasons why you do not wish it to be seen:

## Section 5 - CHECKLIST & ENCLOSURES

### Enclosures

- I have made or enclosed payment of the fee.
- I have enclosed three sets of plans of the premises.
- I have enclosed a drawing of the street elevation of the premises.
- I have enclosed a completed form SE2 for each person named in questions 3 to 11.
- I have enclosed a completed form SE2 for the Manager and Relief Manager.
- I have enclosed a copy of the company's staff welfare policy.
- I have enclosed a copy of the code of practice for dancers (if appropriate).  N/A
- I have enclosed a copy of the code of conduct for customers (if appropriate).
- I have enclosed a copy of the Dancers Information Pack (if appropriate).  N/A
- I have enclosed a copy of the licences for vehicles used in connection with the business (if appropriate).  N/A
- I have enclosed a certified copy of the resolution authorising the application where the business is conducted by or on behalf of a body corporate or unincorporated body.
- I have enclosed a copy of written authority by partners for the application where the business is carried out by or on behalf of partners.
- I have enclosed copies of the memoranda and articles of association of the company, the parent company and any ultimate holding company where the applicant is a company.
- I have enclosed a certified copy of the Partnership deed if the application is made on behalf of a partnership.

### Advertisement

- I declare that I have served a copy of this application on Devon and Cornwall Police.
- I declare that a public notice advertising this application has today been displayed upon the proposed premises where it may be conveniently read by the public and will remain thereon for a period of 21 days.
- I declare that within seven days of the date of this application a public notice advertising this application will be publicised in the legal notices column of the local press.
- A copy of the relevant press edition will be forwarded to Licensing and Public Protection.
- I understand that if I do not comply with the above requirements my application will be rejected.

Torbay Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on your application for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Any person who, in connection with an application for a grant, renewal, variation or transfer of a sex establishment licence, makes a false statement which he knows to be false in any material respect of which he does not believe to be true is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.

## Section 6 - SIGNATURES

Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant please state in what capacity.

Signature: *PA. Hany*

Date: *20/11/23*

Capacity: *MANAGER*

Contact Name (where not previously given) and address for correspondence associated with this application:

*22 MANOR GARDENS, RINGSKERSWELL*

Post town: *NEWTON ABBOT*

Post code: *TQ12 5HF*

Telephone number (if any): *07803 591737*

If you would prefer us to correspond with you by e-mail, your e-mail address (optional):

*chrisand132000@yahoo.co.uk*

### Guidance Notes

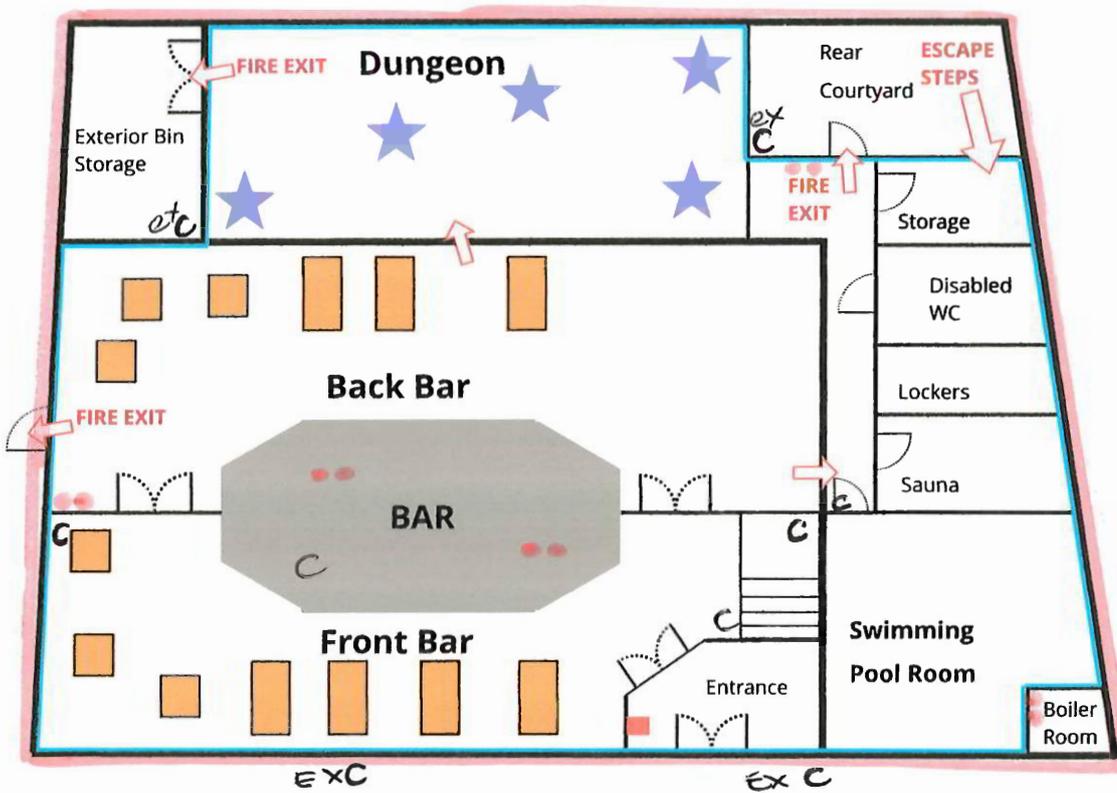
1. Please return this completed application form to:  
**Licensing and Public Protection**  
**Town Hall, Castle Circus, Torquay, TQ1 3DR**
2. Please make cheques and postal orders payable to Torbay Council.
3. Please check Torbay Council's website for current fees.
4. The applicant is responsible for serving a copy of this application to the **Licensing Officer, Devon and Cornwall Constabulary, Launceston Police Station, Moorland Road, Launceston, PL15 7HY**
5. The licensing authority may forward copies of this application to the Devon and Somerset Fire and Rescue Service who will assess the application and inspect the premises, if necessary, to provide observations in relation to the structure, safety and suitability of the building for the purpose intended.
6. Furthermore, details of this application will be forwarded to the local Ward Members.
7. Requirements for layout plan

The plan must show:

1. The layout of the premises including, e.g. stage, bars, cloakroom, WCs, performance area, dressing rooms.
2. The extent of the boundary of the premises outlined in red
3. The extent of the public areas outlined in blue
4. Uses of different areas in the premises, e.g. performance areas, reception, staff facilities.
5. Structures or objects (including furniture) which may impact on the ability of individuals to use exits or escape routes without impediment.
6. Location of points of access to and egress from the premises.
7. Any parts used in common with other premises.
8. Position of CCTV cameras
9. Where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor.
10. The location of any steps, stairs, elevators or lifts.
11. The location of any public conveniences, including disabled WCs.
12. The location and type of any fire safety and other safety equipment.
13. The location of the kitchen (if applicable).
14. The location of emergency exits.

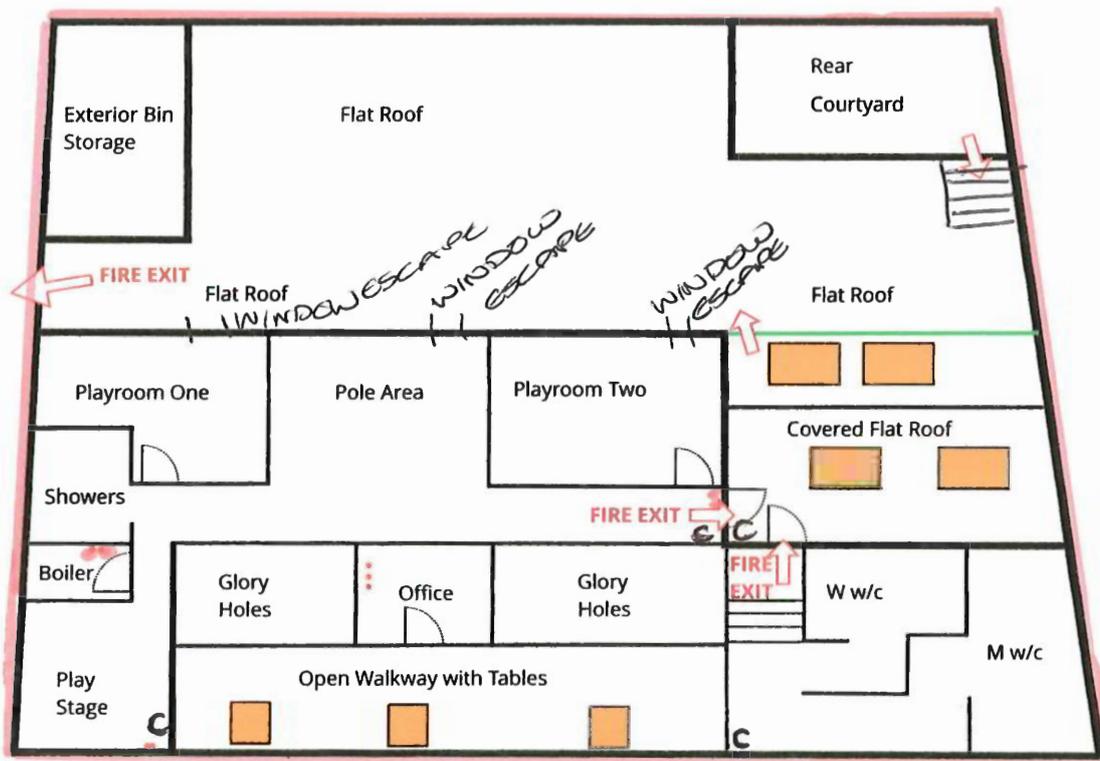
For further assistance or information please contact Licensing and Public Protection on 01803 208025

# Ground Floor Within Temptation



C - camera  
EXC - external camera.

# First Floor







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Lower Union Lane, Torquay, TQ2 5PR web: [www.withintemptation.co.uk](http://www.withintemptation.co.uk) | email: [admin@withintemptation.co.uk](mailto:admin@withintemptation.co.uk)

## ALCOHOL POLICY

**Within Temptation**

**Dated 27.07.2023**

### Introduction

Within Temptation are responsible employers and we take our obligations to our employees very seriously. This is why we have set out this policy to help us ensure the health, safety and welfare of our employees and to help us comply with our legal duties. Employees who develop alcohol related problems cause harm to themselves, to others and impair their performance.

The Health and Safety at Work Act 1974 places a duty on employers to provide a safe and healthy working environment, and to ensure the health, safety and welfare at work of their employees as well as any visitors or contractors on the premises.

### Aims of the Policy

This policy aims to:

- Promote awareness of alcohol related problems and addiction;
- Encourage a sensible approach to drinking alcohol;
- Ensure that the Company complies with its legal obligations;
- Indicate restrictions on drinking alcohol at work;
- Protect Employees from the dangers of alcohol abuse; and
- Support Employees with an alcohol related problem.

### Health and Safety

In a social environment the consumption of alcohol in moderation is an accepted part of life. In the workplace however it can impair performance, result in inappropriate behaviour, and can place both the individual and those around them in danger, as well as affect health.

In the workplace alcohol abuse can take two different forms:

- Occasional inappropriate drinking; and
- Consistently inappropriate drinking.

Problems arising from the first category are more likely to be cases of misconduct whilst the second will be more likely to involve long term health and performance issues. In either case the health of the individual employee will be affected and quite possibly the health and safety of those around them.

While it will be clear if an individual is drunk at work, the symptoms of larger scale systematic alcohol abuse may be less obvious. Symptoms of alcohol abuse may include:

- Frequent absences on Mondays and Fridays;
- Unusually high rates of absenteeism;
- Unkempt appearance/Lack of hygiene;
- Spasmodic work patterns and lower productivity; or
- Poor relations with others.



### Restrictions on Drinking Alcohol at Work

Unless it is formally approved by Lisa Harry employees may not consume alcohol during normal working hours nor should they be incapable of work through the consumption of alcohol.

Alcohol must not be consumed in any situation where as a consequence the safety of the individual, colleagues or visitors is put at risk.

Alcohol must not be consumed in excess [or in sufficient quantities to impinge on the exercise of any individual's duties] when on Company business outside normal working hours, for example when involved in functions or in providing hospitality.

Employees are not obliged to work with anyone they consider to be incapable through the consumption of alcohol and should immediately report the matter to Lisa Harry - Manager

Employees who are incapable of working through the consumption of alcohol should be immediately removed from duty and the matter reported to Lisa Harry - Manager.

Employees will be held to be contributorily negligent in the event that whilst on Company business they cause an accident or damages to anyone or anything, and that the incident occurred due to the Employee's consumption of alcohol.

### Disciplinary Action

Employees who are unfit or otherwise incapable for work through the consumption of alcohol will be liable for disciplinary action, may be found guilty of gross misconduct, and may face summary dismissal.

### Procedure

In the event that an employee is diagnosed with an alcohol related problem the Company will treat it as a health matter. However this does not excuse the employee from any of the disciplinary matters that may fall within the scope of the Company disciplinary policy.

All alcohol related issues will be dealt with in a constructive and sympathetic manner. The individual responsible for all such issues is Lisa Harry - Manager who will also provide any interested employees in confidence with details of where to seek more information or help.

All requests for help or advice will be treated in the strictest confidence and all information gathered as a result will be held in accordance with the Data Protection Act 1998.

After receiving any appropriate medical reports the Company will provide support to any affected employees and where necessary provide suitable treatment. Where an employee agrees to follow a suitable course of action or treatment any disciplinary action may be suspended.

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The Company reserves the right to give affected employees lighter duties at the same rate of pay, or require them to take paid leave if it is deemed appropriate

Following effective treatment and in the absence of any disciplinary action the Company will endeavour to return an affected employee to the same role previously fulfilled by the employee [and where this is not possible to a suitable alternative.

In the event that an employee following successful treatment for an alcohol related problem suffers a relapse the Company is under no obligation to make provision for any further treatment and the employee in question may face summary dismissal.

If it is considered that the working environment or culture is the cause or a contributor to an alcohol related problem, the Company will take all reasonably practical steps to ensure a reduction of such problems.

This policy has been approved & authorised by:

Name:	Lisa Harry
Position:	Manager
Date:	27.07.2023
Signature:	



## **DRUG POLICY**

**Within Temptation**

**Dated 27.07.2023**

### **Introduction**

Within Temptation are responsible employers and we take our obligations to our employees very seriously. This is why we have set out this policy to help us ensure the health, safety and welfare of our employees and to help us comply with our legal duties. The use of non-prescribed drugs is not only dangerous but also illegal under criminal law.

Section 2(2)(e) of the Health and Safety at Work Act 1974 places a duty on employers to provide a safe and healthy working environment.

It is an offence to supply, produce, offer to supply or produce controlled drugs.

The Misuse of Drugs Act 1971 makes it an offence for the occupier of premises to permit knowingly the production or supply of any controlled drugs or allow the smoking of cannabis or opium on those premises.

It is also an offence to aid or abet any of these offences.

Any reference in this Policy to a non-prescription drug refers only to controlled or illegal substances and does not refer to medicines, supplements and similar substances that are legally and commercially available in the United Kingdom.

### **Aims of the Policy**

This policy aims to:

Comply with the Company's legal obligations to provide a safe and healthy working environment for all staff.

Comply with all of the requirements imposed by law.

Raise awareness of the dangers and penalties associated with the use of controlled drugs.

Guarantee the right of all staff to work in an environment unaffected by controlled drugs.

Provide support to staff whose lives are or who have been affected by the misuse of controlled drugs.

### **Health and Safety**

Controlled substances often possess side effects that could not only adversely affect employees' health but that of their colleagues at work as well as their performance.

Employees should be aware that anyone under the influence of controlled drugs is a risk to everyone around them and should be alert to possible signs of drug abuse. Such indicators commonly include:

Sudden changes in behaviour;

Confusion;

Irritability;

Fluctuations in mood and energy;

Impairment of performance; and

Increase in short term sickness absence.



Employees should report any concerns they may have about a colleague displaying any or all of these symptoms to Lisa Harry - Manager but should not under any circumstances approach the person displaying the symptoms or discuss their concerns with any other colleagues.

### **Prohibition**

No non – prescription drugs are allowed to be consumed in or brought onto company premises, land or vehicles at any time by any person irrespective of their status in, or business with, the Company.

The prohibition of non – prescription drugs extends to all activities carried out by staff whilst they are at work. These activities include but are not restricted to driving on company business, when on call or standby duties or when on trips for company business, training or social events.

### **Disciplinary Action**

A breach of these rules will be defined as gross misconduct and it is likely that the employee in question will face summary dismissal.

### **Principles**

- If an employee is diagnosed as having a drug related problem the Company will treat it as a health matter. This does not however excuse the employee from any of the disciplinary matters that may fall within the scope of the Company disciplinary policy.
- All drug related issues will be dealt with in a constructive and sympathetic manner, and the person responsible for all such issues in the Company is FORMTEXT <<individual/title>>, who will also provide any interested employees with the details of where to seek further information and help.
- All requests for help will be treated in the strictest confidence and all information gathered as a result will be held in accordance with the Data Protection Act 1998.
- The Company will provide support to any affected employees [and where necessary provide suitable treatment to be paid for by the Company.] Where an employee agrees to follow a suitable course of action or treatment any disciplinary action may be suspended.
- The Company reserves the right to give affected employees lighter duties at the same rate of pay, or require them to take paid leave if it is deemed appropriate.
- Following effective treatment and in the absence of any disciplinary action the Company will endeavour to return an affected employee to the same role previously fulfilled by the employee [and where this is not possible to a suitable alternative].
- In the event that an employee following successful treatment for a drug related problem suffers a relapse the Company [will not make] [is under no obligation to make] provision for any further treatment and the employee in question [will] [may] face summary dismissal.
- If it is considered that the working environment or culture is the cause or a contributor to a drug related problem, the Company will take all reasonably practical steps to ensure a reduction of such problems.



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**This policy has been approved & authorised by:**

<b>Name:</b>	Lisa Harry
<b>Position:</b>	Manager
<b>Date:</b>	27.07.23
<b>Signature:</b>	<i>EA Harry</i>

**Within Temptation  
Fire Safety Policy  
27.07.2023**

**1. Introduction**

Within Temptation ("the Company") is committed to providing a safe working environment for its staff and visitors. For this reason the Company has formulated this policy to facilitate compliance with its legal obligations under The Regulatory Reform (Fire Safety) Order 2005 ("Fire Safety Order").

**2. Policy objectives**

- 2.1 To provide a safe and healthy working environment for all staff and visitors.
- 2.2 To minimise the risks to Company premises and any others that may be affected by fire.
- 2.3 To manage fire risks in accordance with the requirements of the Fire Safety Order.
- 2.4 To comply with the requirements of the Health and Safety at Work Act etc 1974, the Management of Health and Safety at Work Regulations 1999 and the Fire Safety Order 2005.
- 2.5 To address obligations under the Fire Safety Order that require the Company to:
  - 2.5.1 Develop a policy to minimise the risks associated with fire.
  - 2.5.2 Reduce the risk of an outbreak and subsequent spread of fire.
  - 2.5.3 Provide means of escape.
  - 2.5.4 Demonstrate preventative action.
  - 2.5.5 Maintain documentation and records in respect of fire safety management.

**3. The Responsible Persons**

The Company has appointed Lisa Harry as the 'responsible person'. The responsible person's duties are to ensure the safety of staff and visitors by:

- 3.1 Carrying out (or ensuring that a competent person carries out) a Fire Safety Risk Assessment. The Fire Safety Risk Assessment will take into consideration everyone who may come onto the premises, whether they are employees or visitors and consideration will be given to people who may have a disability or anyone with special needs.
- 3.2 Making sure, as far as is reasonably practical, that everyone on the premises, or nearby, can escape safely if there is a fire.
- 3.3 Preparing a written Emergency Action/Evacuation Plan for the building to be displayed at various locations about the premises.
- 3.4 Preparing Personal Evacuation Plans for disabled persons (if relevant).

#### **4. Fire Marshals**

The Company will appoint competent persons to act as Fire Marshals. The Fire Marshals' duties will include:

- 4.1 Carrying out regular checks on all fire safety equipment, including emergency lights and alarms.
- 4.2 Ensuring that emergency escape routes are kept clear at all times and that doors designated as Fire Escapes are operable.
- 4.3 Assisting in evacuations/fire drills.
- 4.4 Making contact with the emergency services.
- 4.5 Ensuring that the names and duties of all competent persons are displayed on the safety notice board.

#### **5. Communication**

The Company will ensure that all persons employed either as direct employees or contractors are provided with all relevant information related to fire safety. The Management of the Company will consult with the employees (where relevant) on all relevant matters of fire safety policy and arrangements and will ensure staff are kept informed of any changes that are made to fire safety procedures.

#### **6. Training**

- 6.1 Upon commencement of employment all employees (where relevant) will be given training on fire safety and will receive refresher training as appropriate.
- 6.2 All employees will be instructed to report any defective or missing equipment to their line manager.
- 6.3 All employees will receive instruction on their role in the case of an emergency.
- 6.4 Further training may be required if there are any changes that may affect fire safety. All training will be provided during normal working hours.

#### **7. Equipment/Testing**

- 7.1 The fire evacuation procedures will be practised every six months.
- 7.2 Fire fighting equipment will be provided. In general, this means fire extinguishers, but additional provision of fire blankets, hoses or sprinklers may be made where deemed appropriate by the findings of the fire safety risk assessment.
- 7.3 All fire safety equipment will be serviced by a competent person and the service periods will be scheduled in accordance with the manufacturers' instructions.
- 7.4 An appropriate fire detection and alarm system will be installed. The type and extent of the alarm system provided will be based on the findings of the fire safety risk assessment. Alarm systems will be tested regularly and records kept. Staff and visitors will be informed when these tests are scheduled.
- 7.5 Emergency lighting will be provided for escape routes, where applicable. The

location and type will be determined by the findings of the fire safety risk assessment. Luminaires will be maintained on a service contract.

- 7.6 Operation of fire doors and emergency exits, including any automatic closers, will be tested and recorded in the fire log six monthly, or more often if dictated by the fire risk assessment.

## **8. Procedures**

The Company has introduced the following procedures in order to maintain high standards of fire safety:

- 7.7 Emergency escape routes will be established and kept free from obstruction at all times;
- 7.8 Fire exit doors will be kept in good working order and unlocked at all times the premises are occupied;
- 7.9 The risk of fire spreading through the building will be controlled by the provision of fire/smoke resisting doors;
- 7.10 Signs and notices will be displayed in prominent locations, giving appropriate instructions, to employees and others, of what to do in the event of a fire;
- 7.11 Signs will be provided to indicate the position of fire extinguishers, fire alarm call points and to indicate the emergency exit routes.
- 7.12 Evacuation drills will be held twice a year.

## **8. Records**

The Company will record its staff training, including fire drills, and the findings of its periodic tests and checks. Such records will include all attendees, fire drill evacuation times and any comments. The Company will keep the following records:

- 8.1 Records of weekly tests of fire alarms, fire exits.
- 8.2 Records of weekly flow tests of sprinkler systems (where fitted).
- 8.3 Records of wet and dry tests of dry rising mains (where fitted).
- 8.4 Record of annual inspection and test of all fire fighting equipment.
- 8.5 Records of periodic tests of emergency lighting (where fitted).
- 8.6 Records of all scheduled and unscheduled maintenance of fire detection and alarm systems.
- 8.7 Records of the inspection, risk assessment and maintenance of workplace and electrical equipment, of storage of hazardous substances and of any other hazards identified with fire safety (where appropriate).

This Policy will be reviewed annually and updated as necessary. The management team endorses this policy and is fully committed to its implementation.

Name:	Lisa Harry
Position:	Manager
Signature:	
Date:	27.07.23
Date for Review:	25.07.23

Issue No:	3
Amendments from previous:	NA
Other comments:	

---

**THIS IS THE HEALTH AND SAFETY POLICY STATEMENT OF  
WITHIN TEMPTATION  
JULY 2023**

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It is the policy of Within Temptation ("the Business") to foster a positive health and safety culture because we believe that high standards of health and safety are both a moral and commercial pre-requisite.

**The management of the Business are committed to:**

- providing proper control of the health and safety risks that may arise especially those that could affect the public/guest areas
- working to prevent accidents and/or work related ill health
- providing suitable equipment in front and back of house for both staff and guests where needed, and ensure it is maintained properly
- providing safe and healthy working conditions for all staff, and
- providing all Personal Protective Equipment (PPE) as needed for kitchen or cleaning staff
- ensuring that all employees are competent to do their tasks,
- providing continuous training to ensure all staff members are aware of current standards
- ensuring the safety of our residents/guests at all times
- reviewing and revising this policy annually

Our stated aims and objectives for the year 2023 are:

To ensure all H&S documentation is up to date  
To continue to work to ensure safety at our workplace

**Implementation, maintenance and review**

The Proprietor Christopher Harry accepts overall responsibility for all Health and Safety within the Business and is responsible for all policy implementation.

**Signed by:**

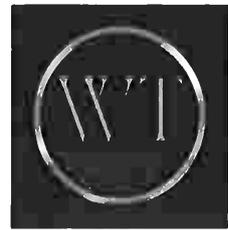
Name: Christopher Harry

Position: Business Owner

Signature:

Date: JULY 2023

Review date: JULY 2024



## **SMOKE FREE POLICY**

**Within Temptation**

**Dated 27.07.2023**

### Introduction

Within Temptation are responsible employers and we take our obligations to our employees very seriously. This is why we have set out this policy to help us ensure the health, safety and welfare of our employees and to help us comply with our legal duties. Smoking does not only cause serious damage to the health of smokers, but research has also shown that second hand smoke causes cancers, heart and respiratory diseases in non-smokers as well.

- Section 2(2)(e) of the Health and Safety at Work Act 1974 places a duty on employers to provide a safe and healthy working environment.
- Section 2(2) of the Health Act 2006 prohibits smoking in all public premises including workplaces and vehicles.
- Aims of the Policy

This policy aims to:

- Provide a safe and healthy working environment for all staff, sub-contractors, clients, customers and visitors;
- Comply with all of the requirements imposed by law;
- Raise awareness of the dangers associated with tobacco smoke;
- Guarantee the right of non smokers to breathe air free of smoke; and
- Support staff who wish to give up smoking.
- Restrictions on Smoking
- Smoking is not permitted within the Company's premises, except in certain designated outside areas. Employees may smoke only on the first floor landing covered outside area. The Company provides bins for smokers to dispose of cigarette butts and other smoking waste at all outside locations where smoking is allowed.
- All visitors, customers, contractors and deliverers are required to abide by the no smoking policy. Staff must inform all of the above of the policy although it must be stressed that staff should not put themselves at any risk in furtherance of this policy.
- Smoking is not permitted in any company vehicles or in any vehicles being used or hired for Company business.
- No smoking signs must be displayed by the Company in all of its premises and vehicles.
- Smoking on Company premises or in Company vehicles constitutes an offence under the Health Act. If a member of staff does not comply with the Company's No Smoking Policy, disciplinary action will be taken in accordance with the Company's disciplinary policy. Additionally, employees are reminded that it is a criminal offence for



employees to smoke in smoke-free areas, with a fixed penalty of £50 or prosecution and a fine of up to £200.

#### Electronic cigarettes

- The Company acknowledges that some employees may wish to make use of electronic cigarettes ("e-cigarettes") in the workplace, particularly as an aid to giving up smoking. E-cigarettes (sometimes also referred to as personal vaporizers (PV) or electronic nicotine delivery systems (ENDS)) are battery-powered products that release a visible vapour that contains liquid nicotine that is inhaled by the user.
- Although it is not a legal offence to smoke e-cigarettes in a public place, the Company prohibits the use of e-cigarettes in the workplace. This is because, even though they do not produce smoke, e-cigarettes release a vapour that could provide an annoyance or health risk to other employees. In addition, some e-cigarette models look like real cigarettes, which makes the Company's smoking ban difficult to police.
- The Company allows employees to use e-cigarettes in certain designated areas outside. These areas are *As Above* provided that they get the prior agreement from Lisa Harry - Manager

#### Support for Smokers

- Reasonable requests from staff for time to attend smoking cessation groups will be treated sympathetically.
- Lisa Harry is responsible for maintaining the policy and will provide staff who wish to give up smoking with details of where to seek help.
- All requests for help will be treated in the strictest confidence. Information will be processed in accordance with the Company's Data Protection Policy.
- Nothing in this policy should be taken as excusing an employee if their conduct falls within the scope of the Company disciplinary procedures.

**This policy has been approved & authorised by:**

<b>Name:</b>	Lisa Harry
<b>Position:</b>	Manager
<b>Date:</b>	27.07.23
<b>Signature:</b>	



## THIS IS THE STAFF WELFARE POLICY STATEMENT OF

**Within Temptation**

**Dated 27.07.2023**

It is the policy of Within Temptation ("the Business") to foster a positive health and safety culture throughout, because we believe that high standards of health and safety are both a moral and commercial pre-requisite.

**The management of the Business are committed to:**

providing proper control of the health and safety risks that may arise especially those that could affect the public/guest areas

working to prevent accidents and/or work related ill health

providing suitable equipment in front and back of house for both staff and guests where needed, and ensure it is maintained properly

providing safe and healthy working conditions for all staff, and

providing all Personal Protective Equipment (PPE) as needed for kitchen or cleaning staff

ensuing that all employees are competent to do their tasks,

providing continuous training to ensure all staff members are aware of current standards

ensuring the safety of our residents/guests at all times

reviewing and revising this policy annually

Our stated aims and objectives for the year 2023 are:

To ensure all H&S documentation is up to date

To continue to work to ensure safety at our workplace

**Implementation, maintenance and review**

The Proprietor Christopher Harry accepts overall responsibility for all Health and Safety within the Business and is responsible for all policy implementation.

Signed by: Christopher Harry

Position: Business Owner

Signature:

Date: 27.07.2023

Review date: 25.07.2024

## Within Temptation

### Maintenance & Testing of Fire Equipment

Managed by:	Christopher Harry	Date Document Downloaded:	27.07.2023
Period	Annual	Department:	Full Building
Duty Holder Name:	Christopher Harry		

Location	Item	Nature of Check	Condition	Action if any	RA Ref No	Initials
<b><u>Fire Extinguishers</u></b>						
Pool Pump Room	CO2	Annual	Good	NA		CH
Pool Pump Room	Dry Powder	Annual	Good	NA		CH
Front Bar	Water	Annual	Good	NA		CH
Front Bar	CO2	Annual	Good	NA		CH
Behind Bar	Dry Powder	Annual	Good	NA		CH
Behind Bar	Water	Annual	Good	NA		CH
Behind Bar	CO2	Annual	Good	NA		CH
Dungeon	Water	Annual	Good	NA		CH
Upper Landing/Glory Holes	CO2	Annual	Good	NA		CH
Upper Landing/Glory Holes	Water	Annual	Good	NA		CH
"Stage" Room	CO2	Annual	Good	NA		CH
"Stage*" Room	Water	Annual	Good	NA		CH
Office	CO2	Annual	Good	NA		CH
Office	Water	Annual	Good	NA		CH

Location	Item	Nature of Check	Condition	Action if any	RA Ref No	Initials
Office	CO2	Annual	Good	NA		CH
<b>Fire Heads</b>						CH
Pool Corridor	Heat	Annual	Faulty Replaced >> Good	27.07.2023 28.07.2023		CH
Front Bar	Heat	Annual	Good	NA		CH
Back Bar	Heat	Annual	Good	NA		CH
Stairs	Heat	Annual	Good	NA		CH
"Stage" Room	Heat	Annual	Good	NA		CH
Disabled WC	Heat	Annual	Good	NA		CH
Dungeon	Smoke	Annual	Good	NA		CH
Play Room 1	Smoke	Annual	Good	NA		CH
Play Room 2	Smoke	Annual	Good	NA		CH
Glory Holes	Smoke	Annual	Good	NA		CH
WC 1	Smoke	Annual	Good	NA		CH
WC	Smoke	Annual	Good	NA		CH

**From:** [Hind, Rachael](#)  
**To:** [Smart, Julie](#)  
**Subject:** Environmental Health Representation - Application for a Sex Establishment Licence, Within Temptation, Lower Union Lane, Torquay  
**Date:** 15 April 2024 20:23:11  
**Attachments:** [image001.png](#)  
**Importance:** High

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Dear Julie

I would like to make the following representation from Environmental Health with regards to the above application.

The standard sexual entertainment venue conditions within the Statement of Licensing Policy for Sex Establishments, are not suitable for this type of premises. I therefore recommend that this application is granted subject to the following conditions being included:

### **General**

1) The Licensee must remain in personal control of the Premises at all times or nominate an individual in writing over the age of 18 with the authority to organise/arrange/facilitate activities within the Premises.

### **Management Operation Manual (A guide to the safe operation of the venue including safety and security information)**

2) The Licensee must produce a Management Operation Manual detailing all aspects of procedure when the Premise is operating the relevant entertainment. This document shall be regularly reviewed and be available for inspection by Torbay Council or Police Officers upon request.

3) Control measures must be in place as part of the Management Operation Manual to ensure the safety of performers when they leave the Premises following a period of work.

### **Club Rules (A guide to the acceptable conduct of customers and performers)**

4) The Premises must provide a copy of its House Rules or any revisions to the Council and the Police before the premises open under its Sex Establishment Licence.

5) The Licensee must ensure that all performers and staff, including door supervisors, shall be made aware of the House Rules.

6) Staff and door supervisors shall read a copy of the House Rules relating to operating relevant entertainment. They shall sign and date a copy which shall be retained by the Premises as part of their due diligence. They shall be available for inspection by the Licensing Authority or Police Officers upon request.

7) A large print copy of the House Rules must be clearly displayed at the

entrance/lobby of the premises and each customer shall be advised of the House Rules prior to entry.

8) The House Rules will be displayed throughout the Premises and be clearly visible to customers. This will include any private individual booth area. The use of table/bar notices or prominent signage throughout the premises would be satisfactory.

### **Staff**

9) The Licensee shall ensure that all performers and all staff working within sexual entertainment venues hold the required Work Permit, if not a United Kingdom citizen.

### **Door Supervisors**

10) The DPS and/or the premises licence holder will be responsible for conducting written dynamic risk assessments for the requirement of SIA licensed door staff especially during busy periods, public holidays, or any other events such as sporting events or festivals.

11) At least one member of staff must be present at all times that the premise is open to the public and must perform roaming patrols of the entire premises at least once every 60 minutes. After 9pm, at least one member of staff must perform a continuous roaming patrol of the entire premises at 30 minute intervals. During busier periods and/or when capacity exceeds 100, a minimum of two members of staff will be required to be present.

### **Customers**

12) No person under the age of 18 shall be admitted to the Premises. Customers who appear to be under the age of 25 must be asked to provide approved photographic proof of their age, i.e. passport, driving licence or pass-scheme. The Licensee must provide prominent notices at each entrance to the Premises to this effect.

13) No customer shall be admitted to the Premises if, in the judgement of the management or the SIA door staff, they appear to be intoxicated, or under the influence of illegal substances.

### **Closed Circuit Television (CCTV)**

14) The Licensee shall ensure that CCTV is installed and maintained to the satisfaction of the Police and Officers of Torbay Council.

- all images shall be retained for a period of at least 30 days

15) The CCTV system will be fitted with security functions to ensure the integrity of the system and to prevent the tampering with and deletion of images (i.e. password protection).

16) A member of staff who is fully trained in the use of the CCTV system shall be

on duty at all times when the Premise is open until the premises are clear of customers, cleared of staff and closed.

17) CCTV shall be provided to the police or Licensing Authority whilst they are performing their statutory duties and within 24 hours of any request.

18) No CCTV footage is to be copied for the purpose of being given away or sold (except as required by Police/Licensing Authority for investigation/enforcement purposes).

19) Notices shall be prominently displayed throughout the premises informing members/customers of the presence of CCTV.

20) The use of filming, recording or electronic transmission equipment shall be restricted to times when the premises are being used for private hire only. At all other times filming, recording or electronic transmission equipment shall be prohibited. Staff and door stewards shall be responsible for monitoring the use of filming/recording equipment and will take appropriate action as outlined within the House Rules.

### **The Protection of those Engaged in Relevant Entertainment/Prevention of Crime and Disorder**

21) Upon entry to the premise, all customers must be briefed verbally or in writing, by the Licensee or the nominated deputy (authorised in writing) as to the House Rules that pertain to the premises, including the fact that CCTV is present. In addition, at all times that the premise is open to customers, there must be prominent signage on each floor which displays the house rules.

22) No member/customer shall be required or encouraged to participate in any activities/entertainment against their will.

### **Layout of Premises and Safety of Performers**

23) The Licensee shall ensure to the Council's satisfaction (including, where required, necessary planning or building control consents) that the interior of the premises is not visible from the outside of the Premises, and that the exterior is maintained to a satisfactory level of decorum.

24) The Licensee shall ensure that any occupancy limits set by Torbay Council are not exceeded whilst sexual entertainment takes place on the premises.

25) Information shall be clearly displayed within the internal exit areas of all sexual entertainment venues, reminding customers to behave in a responsible and appropriate way towards all persons, after leaving the venue.

### **Advertising**

26) The Licensee shall ensure that neither they nor any person promoting or providing entertainment on the Premises (nor any person acting on behalf of any

such person) shall display advertisements promoting the entertainment or the Premises in any unlawful manner.

27) Where the Council has given notice in writing to the Licensee objecting to an advertisement on the grounds that, if displayed, it would offend against good taste or decency or be likely to encourage or incite crime or to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed.

28) The Licensee shall not permit the display, on the exterior of the Premises, of photographs or other images which indicate or suggest that striptease or similar entertainment takes place on the Premises and which may be offensive.

29) The Licensee shall ensure that neither they nor any person promoting or providing entertainment on the Premises (nor any person acting on behalf of any such person) shall distribute flyers direct to residential premises, advertising the venue.

### **Sexual Health**

30) Engage with the sexual health leads in Torbay or Sexual Health Charities to promote safe sex and to provide condoms throughout the premises.

### **Documentation**

31) The Licensee shall provide in a timely fashion copies of any documents reasonably required by an authorised officer of the Council in relation to compliance with this Licence.

**Yours sincerely**

**Rachael Hind**

**TORBAY COUNCIL**

**Rachael Hind** | Regulatory Service Manager  
(Commercial)  
Community Safety  
Town Hall, Torquay TQ1 3DR

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Licensing representation	
Date and Time Submitted	21 April 2024 08:50:03
Name of the premises:	Within Temptation Torquay
Support/Object to application	Object
Address of the premises:	Lower Union Street Torquay

## Applicant Details

In what capacity are you applying?	Any other person
First name:	[REDACTED]
Last name:	[REDACTED]
contact number:	[REDACTED]
Email address:	[REDACTED]
Address:	[REDACTED]

## Representation

Which of the following Licensing Objectives is this representation relevant to?

This representation is relevant to the following Licensing Objectives	[REDACTED]
The reason for your representation:	[REDACTED]



	[REDACTED]
Is there any reason why you do not want your personal details to be passed on to the premises license holder?	Yes
What is the reason you do not want your personal details to be passed on to the premises license holder?	[REDACTED]
Would you like to include any documentation in support of your representation	No
Uploaded Files	

## Confirmation

I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder.	1
Full name:	[REDACTED]

## Licensing representation

Date and Time Submitted	22 April 2024 16:28:36
Name of the premises:	Within Temptation
Support/Object to application	Object
Address of the premises:	I have a Language School 61 Abbey Road, Torquay TQ2 5NN at the rear of Within Temptation in Lower Lane Torquay TQ2 5PR. With students fro 13 to 18 years attending our premises during the year I feel it is not appropriate to have such a venue close by.

## Applicant Details

In what capacity are you applying?	A business
First name:	[REDACTED]
Last name:	[REDACTED]
Contact number:	[REDACTED]
Email address:	[REDACTED]
Address:	[REDACTED]

## Representation

Which of the following Licensing Objectives is this representation relevant to?

This representation is relevant to the following Licensing Objectives	[REDACTED]
The reason for your representation:	As previously set out as we are a Language School at the rear of the premises looking for a Licence I feel the location is inappropriate. They have a large garden at the rear of the property and windows that for normal ventilation must at times be open.
Is there any reason why you do not want your personal details to be passed on to the premises license holder?	No
Would you like to include any documentation in support of your representation	No

Uploaded Files	
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## Confirmation

I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises license holder.	1
Full name:	