

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

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

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