

Minutes of the Licensing Sub-Committee

9 May 2024

-: Present :-

Councillors Douglas-Dunbar, Johns and Barbara Lewis

(Also in attendance: Councillor Chris Lewis)

1. Election of Chairman/woman

Councillor Johns was elected as Chairman for the meeting.

2. Minutes

The Minutes of the meeting of the Sub-Committee held on 28 March 2024 were confirmed as a correct record and signed by the Chairman.

3. Within Temptation, Lower Union Lane, Torquay

Members considered a report on a new application for the Grant of a Sex Entertainment Venue Licence in respect of Within Temptation, Lower Union Lane, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Written representation objecting to the application for a Sex Entertainment Venue Licence on the grounds of the locality of the premises and is unsuitable for the area.	21 April 2024
Member of the Public	Written representation objecting to the application for a Sex Entertainment Venue Licence on the grounds of the locality of the premises and is unsuitable for the area.	22 April 2024
Environmental Health	Written representation received from the Regulatory Service Manager, setting out suggested conditions for consideration should the application	15 April 2024

	be granted.	
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Oral Representations received from:

Name	Details
The Applicant's Representative	The Applicant's Representative outlined the application and responded to Members questions and confirmed that the Applicant agreed with the conditions outlined in the written representation submitted by the Responsible Authority on 15 April 2024.
Environmental Health	The Regulatory Service Manager outlined their representation.
Member of the Public	The Member of the Public outlined their objection to the application and responded to Members questions.

Decision

That the application for a Sexual Entertainment Venue licence for Within Temptation, Lower Union Lane, Torquay, be granted as applied for, subject to amendment of the standard conditions proposed by the Responsible Authority and agreed by the Applicant.

Reason for Decision

Having carefully considered the oral and written Representations, Members unanimously resolved to grant the licence subject to the standard conditions found at Appendix D of the Statement of Licensing Policy for Sex Establishments (the Policy), as amended by the Responsible Authority to reflect the activities carried out at the Premises and agreed by the Applicant at the hearing.

In coming to that decision, Members gave careful consideration to the proximity of the Premises to other establishments, having regard to the primary considerations as set out in paragraph 2.2 of the Policy and the map of the surrounding area provided by the Licensing Officer, and found no cause for concern in respect of a Sex Entertainment Venue at this location. Furthermore, Members noted that the Premises had been operating for a period of 3 years, albeit with a different owner / Manager prior to March 2023, without any reported incidents of concern from the Police, or complaints received by Environmental Health.

Whilst Members heard from one objector as regards to the proximity of the Premises to a language school and the impression that may be formed from those from outside of the area, Members also heard that no such issues had arisen in the time that the establishment had been operating and that the Premises was currently open to club members on Friday and Saturday nights, and for private hire during the week, when the language school was closed.

In consideration of the Applicant's submissions, Members formed the view that the Premises was well managed and that the current owners had worked hard to improve the reputation of the establishment. Members were impressed by the thorough policies and procedures in place, along with the strict rules that must be followed by patrons, and that Management were rigorous to enforce.

Members were however mindful of the quantity limit of 2 on the number of Sex Entertainment Venues (Lap dancing and Striptease) in the area, as set out in the Policy. However, in departing from the quantity limit, Members determined that this Premises provided a different offering to like-minded persons, in that there were no employed dancers providing the relevant entertainment. After careful deliberation, Members unanimously resolved that it was in the interest of public safety and choice, to issue the applied for licence and to depart from the Policy on this occasion.

Chairman/woman
