

Wednesday, 29 July 2026

STATUTORY LICENSING SUB-COMMITTEE

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

Thursday, 6 August 2026

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 Barbara Lewis

Councillor Chris Lewis

A Healthy, Happy and Prosperous Torbay

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Governance Support, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

STATUTORY LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chair**
To elect a Chair 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 - 14)
To confirm as a correct record the Minutes of the meetings of a Sub-Committee held on 25 June, 2 July and 9 July 2026.
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 15 - 52)
To determine application for the Grant of a Sex Entertainment Venue Licence in respect of Within Temptation, Lower Union Lane, Torquay.

Minutes of the Statutory Licensing Sub-Committee

25 June 2026

-: Present :-

Councillors Barbara Lewis, Stevens and Virdee

1. Election of Chair

Councillor Barbara Lewis was elected as Chair for the meeting.

2. Minutes

The Minutes of the meeting of the Sub-Committee held on 2 April 2026 were confirmed as a correct record and signed by the Chair.

3. To consider an application for a Variation of the Premises Licence in respect of John Bull, 68-70 Chatto Road, Torquay, TQ1 4HU

Members considered a report on an application for a Variation of the Premises Licence in respect of John Bull, 68-70 Chatto Road, Torquay TQ1 4HU

Written representation received from:

Name	Details	Date of Representation
Member of the public	Representation objecting to the application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance'.	27 May 2026

Oral representation received from:

Name	Details
Applicant	The Applicant, supported by the Premises Manager presented the submitted application and responded to questions from Members.

Decision:

That the application for a variation of the Premises Licence in respect of John Bull, Chatto Road, Torquay, be granted, as applied for subject to the following conditions being added to the Premises license:

1. *The beer garden shall close at 10 pm.*
2. *No live music or streamed music will be played in the beer garden.*
3. *Access to the beer garden shall be permitted through the pub only and not via the premises private apartment access.*

4. *visible signs shall be erected to remind customers to adhere to conditions 2 and 3 as set out in Annexe 3 of the premises licence and as is accordance with the premises noise management plan.*

5. *The beer garden shall be routinely monitored after 9pm in accordance with Annexe 3, condition 4.*

The following additional condition to give effect to condition 5 shall be separated to read as follows:

6. *Anyone causing a nuisance in the beer garden after 9 pm, shall be asked to come inside the premises, and where they refuse to do so, they shall be asked to leave the premises immediately;*

Members determined that conditions 9 and 10 within Annexe 3 shall not be removed.

Conditions 12 and 13 under the heading 'The Prevention of Public Nuisance' Annexe 2 shall be removed as they are a duplication of condition 15 in Annexe 3.

The Applicant shall submit to the Licensing Authority an updated plan to give effect to this grant.

Reasons:

Having carefully considered all the written and oral representations, Members resolved to grant the variation application as applied for, subject to that set out in the decision, having been satisfied that with the proposed additional and amended conditions, all of the licensing objectives would be promoted.

Members were reassured by the Applicants professional and committed approach to operating these premises in a responsible manner and noted the improvements in community relations with the premises under current management.

In coming to their decision, Members had careful regard to the geography of the immediate area surrounding the premises t, which is immediately surrounded by dense residential properties, and the proposed revised use of an additional outdoor seating area. Members noted the representation received which set out concerns in relation to disturbance in a residential area and determined that the location, use, and scale of the proposed beer garden was reasonable, noting the current premises Noise Management Plan, proactive management by the premises manager and her staff and engagement with the community, there being only one representation objecting to this application in what is a dense residential area, and there being no representations from any Responsible Authority,

However, Members determined not to grant the requested variation to remove conditions 9 and 10 within Annex 3, as they were not assured that sufficient mitigations would manage potential noise outbreak, noting historical issues at the premises around mobile phone use outside the premises and the current and increased use of the premises outside area, noting that current conditions are working, evidenced by there being no complaints. Members further noted an ambiguity between the daily practice described at the hearing and the licensing variation requests, and determined that restricting use of the premises outside areas to 10pm, save for the designated smoking area and associated restrictions on its use

after 10pm was necessary to maintain the position that there are no complaints given the premises location and proximity to residential premises.

In concluding, Members considered it to be entirely in order to approve the application as submitted, and that the additional conditions proposed were both appropriate and proportionate, and determined in all the circumstances, that the Licensing Objectives would not be undermined in granting the application for a Variation to a Premises Licence. However, should issues arise as a result of granting this application, a Review of the Premises Licence is available to any Responsible Authority or any other person.

Chair

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Minutes of the Statutory Licensing Sub-Committee

2 July 2026

-: Present :-

Councillors Douglas-Dunbar, Barbara Lewis and Virdee

4. Election of Chair

Councillor Douglas-Dunbar was elected as Chair for the meeting.

5. Application for the Grant of a Premises Licence in respect of Torbay Showground, Brixham Road, Paignton, TQ4 7BH.

Members considered a report on an application for a Premises Licence in respect of Torbay Showground, Brixham Road, Paignton TQ4 7BH.

Written Representations received from:

Name	Details	Date of representation
2 Environmental Health Officers	Representation objecting to the application on the grounds of 'The prevention of Public Nuisance'	10 June 2026
Police Licensing Officer	Representation regarding additional license conditions discussed with the Applicant	20 May 2026
28 Members of the Public	Representation objecting to the application for a Premises Licence on the grounds of 'The Prevention of Crime and Disorder', 'The Prevention of Public Safety' and 'The Prevention of Public Nuisance'.	15, 23, 24, 28 and 31 May 2026, 1,2,3,4,5,7,8,9 and 10 June 2026

Oral representations received from:

Name	Details
Applicant	The Applicant, supported by their legal representative presented the submitted Application, and responded to questions from Members
2 Environmental Health Officers	2 Environmental Health Officer presented their representations, and responded to questions from Members
2 Members of the Public	2 Members of the Public outlined their objections to the Application for a Premises Licence and responded to

	Member's questions.
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Decision

That the application for a Premises Licence in respect of Torbay Showground, Brixham Road, Paignton be refused.

Reasons for Decision

Having carefully considered all the written and oral representations, Members unanimously resolved to refuse the application, as they could not be satisfied, on the evidence before them, that granting the application as submitted, including the additional conditions proposed by the Police and accepted by the Applicant, would promote the licensing objectives.

In reaching their unanimous decision, Members had careful regard to the Applicant's submissions, including the mitigation measures proposed and implemented following previous events held at the site which had generated a number of noise nuisance complaints from residents in the immediate vicinity, the public representations objecting to this application and those from a Responsible Authority. In doing so, Members were not satisfied that the proposed mitigations would adequately promote the licensing objective of the Prevention of Public Nuisance.

Members noted in particular the representations made by the two Environmental Health Officers who, in accordance with the revised guidance issued section 182 of the Licensing Act 2003 are to be treated as an expert body, were unequivocal in their view that the proposed measures would not be sufficient to prevent nearby residents from being unreasonably disturbed arising out of licensable activities intended from this site, given the scale of the proposed events and the site's proximity to a densely populated residential area, of which some are approximately only thirty metres away.

Members further considered that they had insufficient evidence before them to be satisfied that the licensing objective of Public Safety would be adequately promoted. Members were unanimous in their opinion that procedures relating to public safety for the scale of intended events were not sufficiently developed, and noted the absence of significant pieces of evidence that they would reasonably have expected to be before them to support the application, given the imminent date of the first planned event. This included copies of a dispersal policy and a traffic management plan which reflected the required care for those accessing and egressing the site given its location directly abutting a busy A road, shared access and egress routes of those on foot and those using the onsite carparking facilities, no restrictions in place on timings for vehicles of those supporting the event, and an apparent lack of sufficient lighting to mitigate the risks of persons egressing at the end of an event. Furthermore, Members noted that there was no safeguarding policy, nor a detailed and fully developed and sufficient staffing ratio plan which they would have expected when considering this type of application and the objections received.

Members noted the Applicant's numerous comments that the management of many events would be undertaken by third-party operators. This was of great concern to Members as it appeared to them that too much responsibility was to be delegated by

the Applicant, without robust accountability and in doing so, they could not be assured that the licence would be operated in a responsible manner that promoted all of the licensing objectives.

Members were cognisant of their role and responsibility as the ultimate decision-maker in respect of applications made under the Licensing Act 2003. They considered the Applicant's suggestion that responsibility could be delegated, by way of condition, to the Public Safety Advisory Group to be inappropriate. The Committee was required to determine whether sufficient evidence had been provided to demonstrate that the grant of a Premises Licence would not undermine the four licensing objectives, and Members were not satisfied that such evidence had been provided.

Members gave careful consideration to whether appropriate conditions could be imposed on the licence to address their concerns and those raised by Interested Parties and the Responsible Authority, rather than refusing the application outright. However, given the scale of the issues identified, the number of objections received and the oral and written representations by the Environmental Health Officers, Members were unanimous that an outright refusal was both proportionate and necessary

Chair

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Minutes of the Statutory Licensing Sub-Committee

9 July 2026

-: Present :-

Councillors Barbara Lewis, Spacagna and Johns

6. Election of Chair

Councillor Spacagna was elected as Chair for the meeting.

7. Application for a Variation to a Premises Licence

Members considered a report on an application for a Premises Licence in respect of Hotel Indigo, Torbay Rd, Torquay, TQ2 6RH.

Written Representations received from:

Name	Details	Date of representation
Member of the public	Representation objecting to the application on the grounds of 'The prevention of Crime and Disorder' and 'The Prevention of Public Nuisance'	2 June 2026
Member of the public	Representation objecting to the application on the grounds of 'The prevention of Crime and Disorder', 'Public Safety' and 'The Prevention of Public Nuisance'	5 June 2026

Oral representations received from:

Name	Details
Applicant	The Applicants legal representative, supported by representatives from the business owner and hotel management presented the submitted Application, and responded to questions from Members
2 Members of the Public	2 Members of the Public outlined their objections to the Application for a Premises Licence and responded to Member's questions.

Decision:

That the application for a variation to the Premises Licence in respect of Hotel Indigo, Torbay Road, Torquay TQ2 6RH be approved as applied for, subject to the following additional and amended conditions, as proposed by the applicant.

The following conditions to be added under The Prevention of Public Nuisance at Annexe 2:

1. Clear and legible notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the vicinity as quickly and quietly as possible.
2. 'A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum nuisance or disturbance to neighbours, and;

Condition 4 under The Prevention of Crime and Disorder at Annexe 2 shall be amended as follows:

An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:

Any incidents of disorder or of a violent or anti-social nature
All crimes reported to the venue, or by the venue to the police
All ejections of patrons
Any complaints received
Any faults in the CCTV system
Any visits by a responsible authority (under the Licensing Act 2003) or emergency service

Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority

Reasons:

Having carefully considered all the written and oral representations, Members unanimously resolved to grant the variation application as applied for, subject to that set out in the decision, having been satisfied that with the proposed additional and amended conditions, all of the Licensing Objectives would be promoted.

Members were reassured by the Applicants professional and committed approach to operating these premises in a responsible manner and considered that the additional proposed and amended conditions reinforced this view. Members also noted that the additional and amended conditions were put forward by the Applicant in response to written representations received, demonstrating an understanding of the concerns of residents and a willingness to engage with them to proactively resolve issues.

Members noted that the Applicant had recently operated multiple Temporary Event Notices in a manner to that proposed in the application and considered that there had been sufficient opportunity for those in the immediate vicinity to experience the operation as proposed by the Applicant. Members noted that the use of Temporary Event Notices had not given rise to any public nuisance complaints, and that no representations had been received from any Responsible Authority in relation to the application.

Members considered the two objecting representations received, which set out concerns in relation to disturbance and likely criminal conduct in a residential area should this variation be granted. Members determined that there was insufficient evidence before them to support the assertions made in these representations. Both representations set out wider concerns which were beyond the remit of the licensing committee to determine, and Members had no regard to those wider concerns in their determination.

Members noted that the Applicant was not seeking to extend operating hours, nor had there been more than two representations received, as incorrectly set out in one of the objections, and could find no grounds on which the Licensing Objectives would be undermined by the granting of this variation. Members therefore considered that the proposed use of the rooftop bar was reasonable and proportionate in all circumstances, and that application was unlikely to result in the relevant concerns raised.

In concluding, Members unanimously considered it to be entirely in order to approve the application as submitted, and that the additional and amended conditions proposed were both appropriate and proportionate, and determined in all the circumstances, that the Licensing Objectives would not be undermined in granting the application for a variation to a Premises Licence. However, should issues arise as a result of granting this application, Members noted that a Review of the Premises Licence is available to any Responsible Authority or any Interested Person.

Chair

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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**

Date: **6 August 2026**

To: **Licensing Sub Committee**

Contact Officer: **Julie Smart**

 Telephone: **01803 208025**

 Email: **licensing@torbay.gov.uk**

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 (the Act) for the above-named premises. The report sets out the application details, Representations received, relevant 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) Grant the application in full. The Committee may also determine to grant the application in part.
 - (b) Grant of the application in full or in part may be subject to standard conditions (as amended), conditions which formed 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 licensable activities 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:

Monday – Closed

Tuesday – 1200 hrs to 0000 hrs

Wednesday – 1200 hrs to 0000 hrs

Thursday – 1200 hrs to 0000 hrs

Friday – 1930 hrs to 0130 hrs

Saturday – 1930 hrs to 0130 hrs

Sunday - Closed

The plan accompanying the application is shown in Appendix 2.

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

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 the application falls outside the scope of Torbay Councils Statement of Licensing Policy for Sex Establishments (the Policy)

- 4.2 Paragraph 2.1 of the Policy 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. The premises operated as an unlicensed Sexual Entertainment Venue for approximately 3 years prior to May 2024, and as a licensed Sexual Entertainment Venue between 9 May 2024 and 8 May 2026. However, on 8 May 2026 the Sexual Entertainment Venue

Licence expired and an application to renew the Sexual Entertainment Venue Licence was not received prior to the date of expiry.

- 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 will be achieved through the annual renewal application process, together with visits to ensure the mandatory conditions are being complied with. Officers confirm that no complaints have been received in respect of these premises since 9 May 2024.

- 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 of Torbay Council's Policy refers to the standard conditions for Sexual Entertainment Venues. Many of the conditions relate to performers in respect of lap dancing and striptease however, these forms of entertainment do not take place at this premises.

- 4.9 In May 2024, following representations from Environmental Health for the original application for grant of a Sexual Entertainment Venue, Members considered that the conditions in Appendix D were not appropriate for this premises and imposed the conditions proposed from Environmental Health, in consultation with Devon and Cornwall Police, which the applicant agreed to. These conditions can be found in Appendix 5.

- 4.10 Representations have not been received from Environmental Health or Devon and Cornwall Police proposing that alternative conditions are imposed on the licence, should this application be granted, to replicate the Sexual Entertainment Venue Licence that expired on 8 May 2026. Environmental Health have confirmed that they did not make Representation as they believed this application was a renewal application, and not a new application. The Licensing Authority is not able to add the conditions within the expired licence to this licence, should it be granted, unless Members determine that is appropriate to impose such conditions.

- 4.11 In determining this application, the Licensing Sub-Committee will need to determine whether the location, layout, character and condition of the premises, and the standard conditions within Appendix D for Sexual Entertainment Venues, are appropriate for the grant of a Sexual Entertainment Venue Licence in line with the Council's Licensing Policy.

5. Relevant History

- 5.1 Prior to 9 May 2024 this premises operated as an unlicensed Sexual Entertainment Venue for 3 years. In 2024 Licensing Officers recommended that the applicant apply for a Sexual Entertainment Venue licence as they formed the opinion that relevant sexual entertainment was taking place at the premises. An application was subsequently received and the Licensing Sub-Committee

determined to grant the application.

- 5.2 A copy of the Sexual Entertainment Venue Licence that expired on 8 May 2026 is attached at Appendix 5 to this report.
- 5.3 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 which comprises of commercial premises. A map of the area can be found in Appendix 6.

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

There are no places of religious worship, historical buildings, cultural/tourist attractions, community facilities, or public buildings in the area. The premises is situated approximately 300 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 3rd Floor of Zig-Zag's Children's Centre at 32 Market Street, Torquay.

6.6 Layout, Character and Condition of the premises:

The building consists of 2 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.

6.7 Appendix D – Standard Sex Entertainment Venue Conditions:

Consideration should be given to whether the Standard Sex Entertainment Conditions are appropriate in respect of the activity to be provided at the premises, as outlined in section 4.8 and 4.9 above.

7. Representations

7.1 Nine Representations in support of the application were received. These are shown at Appendix 4.

7.2 No Representation was received from Devon and Cornwall Police.

8. Legal Implications

8.1 The Licensing Sub-Committee may determine to:

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

(b) Grant with additional conditions which the Licensing Sub-Committee deem appropriate.

(c) Grant a Waiver, or

(d) Refuse the application.

8.2 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 (Para 10(19) Schedule 3 LG(MP)A1982).

8.3 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 (Para 10(18) Schedule 3 LG(MP)A1982).

8.4 The Licensing Sub-Committee may refuse to grant a licence for the following reasons set out in (Para 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

8.5 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 (Para 13(4) Schedule 3 LG(MP)A1982).

8.6 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 (Para 27(1) Schedule 3 LG(MP)A1982).

Rachael Hind
Regulatory Services Manager (Commercial)

Appendices

- Appendix 1 Application form
- Appendix 2 Plan of the Premises
- Appendix 3 Photograph of front of premises
- Appendix 4 Representations
- Appendix 5 Copy of expired Sexual Entertainment Venue Licence
- Appendix 6 Map of area

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

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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:

- | | | |
|--|-----------------------------------|-------------------------------------|
| ☒ Sexual Entertainment Venue | ☐ Sex Shop | ☐ Sex Cinema |
| ☒ Grant | ☐ Renewal | ☐ Variation |

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

Section 2 - APPLICANT DETAILS

2. Is the applicant:

- | | |
|---|------------------------------------|
| ☐ An individual | (please answer questions 3 and 4) |
| ☒ A company or other corporate body | (please answer questions 5 to 9) |
| ☐ 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

Nikki Herbert, Director 28 Shakespeare Close, Torquay, TQ12 6DA

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: N/A

Partnership or other unincorporated body	
10	Name and address of applicant:
11	Names and addresses of applicant's partners (please use additional sheet):
12	Are there any other persons responsible for the management of the premises/business other than the partners? Please state their names and addresses:

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):

N/A

- 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:

Within 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: No contact phone at the club only internet.

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

Entire Building

23	Is the applicant ☒ owner ☐ lessee ☐ sub-lessee ☐ other	
24	If the applicant rents the property state: a. Name and address of landlord b. Name and address of the superior landlord: c. Total annual rental: d. Length of unexpired term: e. Notice required to terminate tenancy:	
25	Please provide details of the building management company (if appropriate):	
26	State the current use of the premises: Private Member Venue	
27	Has planning permission, or a certificate of lawful use, been obtained for the use of the proposed premises?	Yes ☒ No ☐
28	Can members of the public access the premises: a. Directly from the street? b. From other premises? c. Not at all? (internet sales only)	Yes ☐ No ☒ Yes ☐ No ☒ Yes ☐ No ☒
29	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? If you have ticked 'no' please state your proposals for affording such access:	Yes ☒ No ☐
30	a. Numbers of door supervisors: 2 b. Hours door supervision in place: 6 hours Friday and 6 hours Saturday	
31	Are the premises currently being used as a sex establishment. Within Temptation LTD	Yes ☒ No ☐
32	Are the premises licensed under any other Act such as the Licensing Act 2003?	Yes ☒ 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: Closed Friday: 19.30 - 01.30
Tuesday: 12.00am - 12.00PM Saturday: 19.30 - 01.30
Wednesday: 12.00am - 12.00PM Sunday:
Thursday: 12.00am - 12.00PM

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 ☒

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):

Lisa Harry

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

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

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 ☒ No ☐

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 present within the building.
Manager employed by Marks and Spencer when the club is closed.

(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:

No signage on the front of building. Signage displayed on side elevations only no wording included as shown in pictures enclosed.
1.8m x 1.8m.

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 x No ☐

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.

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 greet 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 wander 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). | ☒ |
| 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). | ☒ |
| I have enclosed a copy of the licences for vehicles used in connection with the business (if appropriate). | ☒ |
| 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: [REDACTED]

Date: 20/5/2020.

Capacity: OWNER.

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

22 MAJOR GARDENS,

Post town: KINGSKERSWELL

Post code: TQ12 5HF

Telephone number (if any): [REDACTED]

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

Guidance Notes

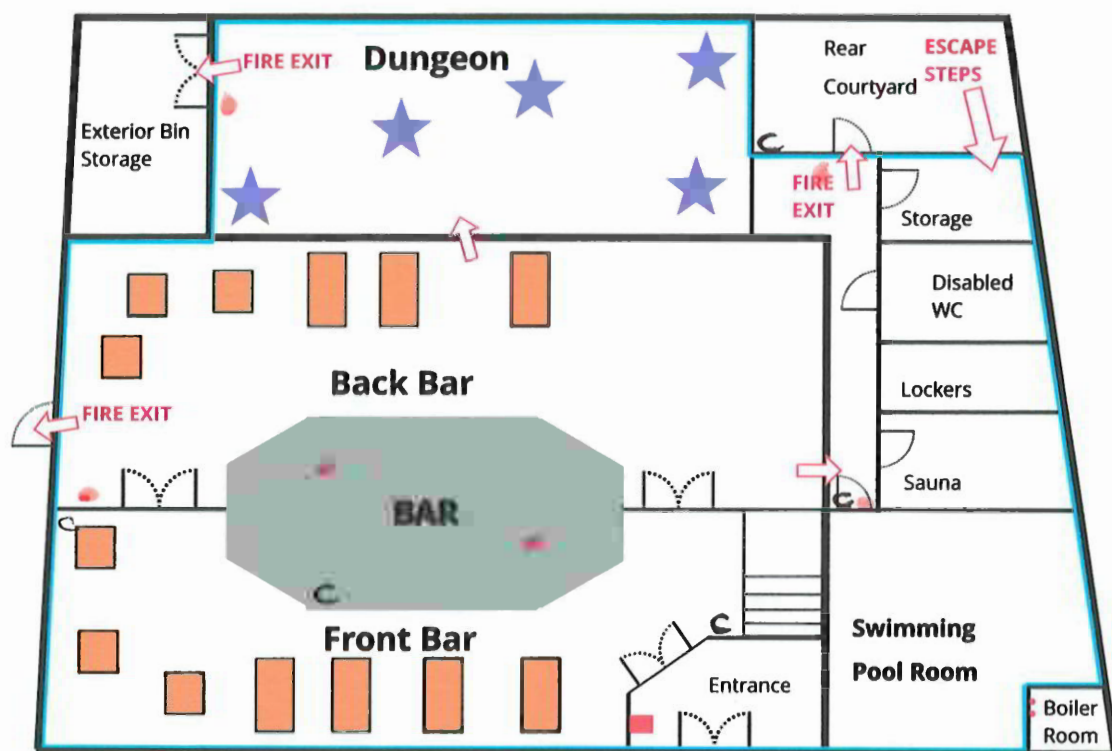
1. Please return this completed application form to:
**Licensing and Public Protection
Town Hall, Castle Circus, Torquay, TQ1 3DR**
2. Please make cheques and postal orders payable to Torbay Council.
3. Please check Torbay Council's website for current fees.
4. The applicant is responsible for serving a copy of this application 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 routed 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.

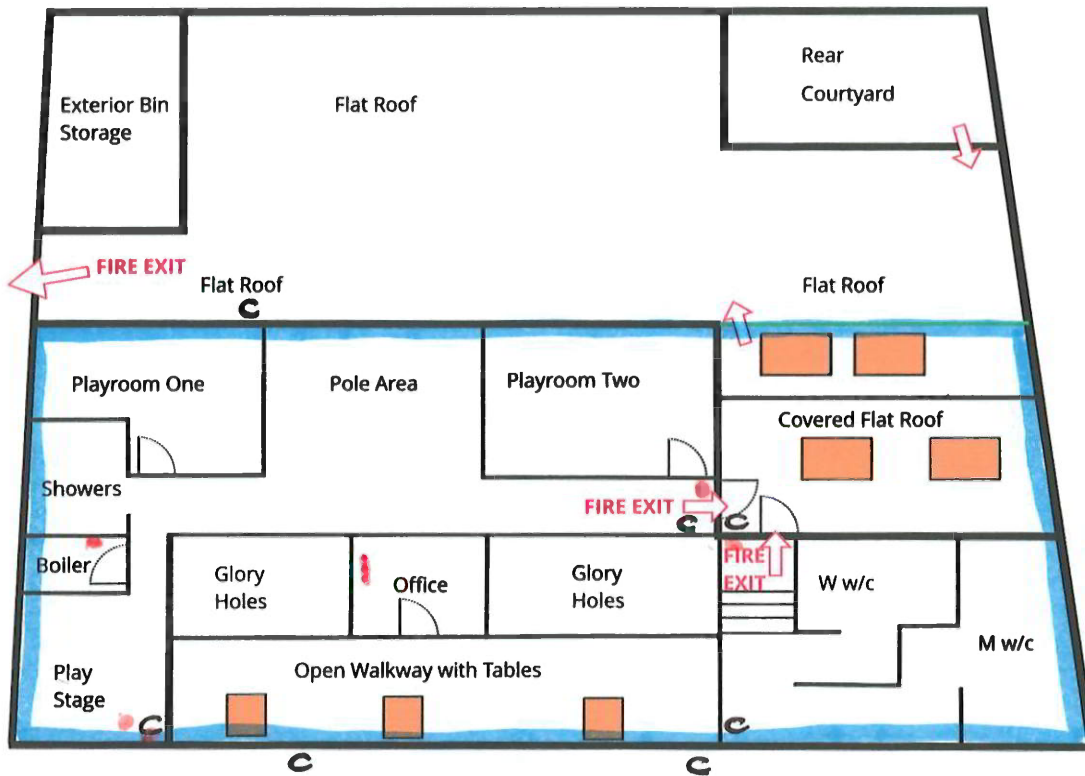
For further assistance or information please contact Licensing and Public Protection on 01803 208025

Ground Floor Within Temptation



•• - FIRE EXTINGUISHER
C - CAMERA CCTV

First Floor



●● - FIRE EXTINGUISHER
C - CAMERA CCTV.



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Representations in Support of the Application:

1.	Dear Licencing Committee, I am writing in support of the licence renewal application for Within Temptation in Torquay. Within Temptation is a well-managed adult lifestyle venue that provides a private and consensual environment for like minded adults. In my personal experience, the club is professionally run with clear rules and responsible management. and an emphasis on ensuring that members and guests behave reasonably and appropriately. The venue itself also brings visitors to torquey from around the country. Many who specifically travel to attend events hosted by the club, filling local hotels, restaurants, cafes, pubs and using the local amenities during their stays (Taxis, public transport and trains), shopping in the local high street during their stay. I personally wouldn't want to put a figure to the financial benefits that Within Temptation has brought to the local area, but if I were to guess we would easily be looking at the thousands over the period of a year. Helping to support local shops, independent hotels as well as other establishments within the local community beyond Within Temptation not just in the summer months when the area is filled with holiday makers, but throughout the year, when trade and visitors numbers fall. Having personally filled completely empty resultants when coming to visit in the depths of winter. Again on a personal note as somebody with disabilities, I have always felt welcomed and represented at the venue which sadly can not be said for some establishments within the area. Adult lifestyle venues such as Within Temptation cater to a specific community and provide a regulated private space for consenting adults. This continued operation of a well-managed venue helps to ensure these activities take place in a safe and controlled environment. Based on my own experiences, I believe that Within Temptation is operated responsibly and continues to make a positive contribution to local visitor economy and Torquay's diverse leisure offering. I therefore support the renewal of its licence and respectfully ask the Licencing Committee to give favourable consideration to it's application. Thank you for taking the time to read this, and I hope in your infinite wisdom, that you make the right choice. I have very much enjoyed visiting Torquay, many times over the last year and I hope to be back many times more in the future.
2.	As a regular customer of Within Temptation, it has provided a unique and safe place to socialise and share common values with likeminded individuals. I would commonly recommend this place to my friends as a 'pub with safeguarding'. The owners, employees and licensing provide a safe atmosphere for all types of people that set foot through the door. I know that there's an economic benefit to the local community, in regards to hotels and restaurants within the local area, as there are a lot of patrons that travel far and wide to attend nights at Within Temptation. Some events held at this establishment can cater more than 80 people on occasion without local emergency services needing to be called. I've been attending since December 2025 and there's not been a single occurrence of police or medical services being needed. This has become my local spot to attend because of the culture provided being safe and well maintained by the owner and staff present. They have always maintained a strict policy on customer safeguarding and satisfaction which is upheld at all points of opening hours.

	To see this place closed would be a great disappointment to the community and local businesses within the area. There have been a loss of third spaces within my community that has greatly impacted the way that my generation behaves, I know that the sea front of Torquay town is well monitored by police and medical services, but Within Temptation is an exception due to the safety it holds for both staff and customers. Please strongly consider the acceptance of the license, this is the one establishment that my friends and family don't have to worry about me attending and know that I will return home safe and in good spirits
3.	To Whom It May Concern, I am writing in support of the licence renewal application for Within Temptation in Torquay. Within Temptation is a well-run, professionally managed venue that has consistently provided a safe, welcoming, and well-organised environment for its patrons. The management takes its responsibilities seriously, maintaining high standards of operation while ensuring the venue is run in a manner that respects both its customers and the wider local community. My partner and I organise Solero Parties, and we regularly hire Within Temptation as the venue for our events. Our parties typically attract at least 100 attendees, many of whom travel from outside the local area specifically to attend. Time and again, we have found the club to be an excellent venue, with professional and accommodating management who work closely with us to ensure every event is run safely and successfully. The venue makes a valuable contribution to the local economy. Because many of our guests travel significant distances, they frequently book local hotels or other accommodation, dine in local restaurants, visit pubs and cafés, and use local taxi services and other businesses during their stay. Their visits generate additional income for a range of businesses in Torquay, extending the economic benefits well beyond the venue itself. Within Temptation helps attract visitors to Torquay who may not otherwise come to the area, supporting the town's tourism and hospitality sectors. By encouraging many guests to stay overnight, the venue also promotes safer travel choices while providing additional business for local accommodation providers. Based on our experience of working with the management and hosting numerous successful events at the venue, I believe Within Temptation is a positive asset to Torquay. It is responsibly managed, professionally operated, and delivers both social and economic benefits to the local community. I therefore fully support the renewal of its premises licence and respectfully ask that the application be viewed favourably.
4.	I write to express my full support for the application for a Sex Entertainment Venue Licence for the above premises and respectfully urge the Council to grant the licence. I am a regular attendee at this venue and have visited on numerous occasions. As someone with direct experience of the premises, I have consistently found it to be professionally managed, well organised and operated in a safe and respectful manner. My comments are based on my own observations and experiences over multiple visits. This venue provides lawful adult entertainment in a professional, safe and well-managed environment. Licensing exists to regulate this type of business, and a properly licensed venue offers protection for performers, customers and the wider public through clear operating standards and robust licence conditions.

	Granting the licence ensures that the Council retains effective oversight of the business and can continue to hold it to the highest standards. In my experience, there is no evidence that this venue has had a detrimental impact on the local area. Where concerns are sometimes raised about adult entertainment venues, these should be supported by objective evidence rather than assumptions or moral objections. Licensing decisions should be based on the way a premises is managed, its compliance with the law, and its actual impact on the locality. The venue also makes a positive contribution to the local economy by attracting visitors from outside the area. Those visitors frequently stay in local hotels and other accommodation, dine in local restaurants, purchase food and drinks in local bars and pubs, and use local taxi services. Their spending extends beyond the venue itself, supporting a range of local businesses and contributing to the wider evening and night-time economy. A well-run venue creates employment and provides performers with a safe, regulated workplace where standards of welfare, security and safeguarding can be monitored and enforced through the licensing regime. Granting the licence helps ensure those protections remain in place and that the business continues to operate within a clear regulatory framework. Refusing an application simply because the premises offers adult entertainment would undermine the purpose of the licensing framework. Parliament has provided a mechanism for these venues to operate lawfully, subject to appropriate regulation, and where an applicant demonstrates that they are responsible, compliant and capable of meeting the Council's requirements, the licence should be granted. Having considered the application and based on my own experience of the venue, I believe it has demonstrated that it is capable of operating responsibly and in accordance with the standards expected by the Council. There is no compelling evidence to justify refusing this application. On the contrary, the venue is well managed, contributes to the local economy, supports employment, attracts visitors to the area and operates within a regulatory framework that protects performers, customers and the wider public. I therefore strongly support this application and respectfully request that the Council grants the Sex Entertainment Venue Licence.
5.	Dear Licensing Committee, I am writing in support of the licence renewal application for Within Temptation in Torquay. Within Temptation is a well-managed adult lifestyle venue that provides a private, consensual environment for like-minded adults. In my experience, the club is professionally run, with clear rules, responsible management, and an emphasis on ensuring that members and guests behave respectfully and appropriately. The venue also brings visitors to Torquay from across the UK. Many people travel specifically to attend events hosted by the club, booking local hotels or other accommodation, eating in local restaurants, visiting pubs and cafés, using local taxi services, and shopping in the area during their stay. This generates additional income for a wide range of local businesses and contributes positively to the local economy beyond the venue itself. Adult lifestyle venues such as Within Temptation cater to a specific community and provide a regulated, private space for consenting adults. The continued operation of a well-managed venue helps ensure these activities take place in a safe and controlled environment. Based on my experience, I believe Within

	Temptation is operated responsibly and makes a positive contribution to both the local visitor economy and Torquay's diverse leisure offering. I therefore support the renewal of its licence and respectfully ask the Licensing Committee to give favourable consideration to its application.
6.	To Whom It May Concern, I am writing in support of the licence renewal application for Within Temptations in Torquay. My Wife and I regularly attend Within Temptations to meet open minded people with similar interests to ourselves. We've never had a bad experience in the 3 years we have been attending. This venue offers lawful adult entertainment in a professional, safe and well-managed environment. Licensing exists to regulate this type of business, and a properly licensed venue offers protection for performers, customers and the wider public through clear operating standards and robust licence conditions. Granting the licence ensures that the Council retains effective oversight of the business and can continue to hold it to the highest standards. Based on our own experiences of the venue, I believe it has demonstrated that it is capable of operating responsibly and in accordance with the standards expected by the Council. There is no compelling evidence to justify refusing this application. The venue is well managed, contributes to the local economy, supports employment, attracts visitors to the area and operates within a regulatory framework that protects performers, customers and the wider public. In addition the venue makes a positive contribution to the local economy by attracting visitors from outside of the area. Those visitors stay in local hotels, dine in restaurants, purchase food and drinks in local bars and pubs use local taxi services and the local car parks. Their spending extends beyond the venue itself, supporting a range of local businesses and contributing to the wider economy. Many Thanks
7.	I have been through years of sexual and relationship abuse over my life time and found this to be a safe place for my sexually and to talk to others about subjects that you couldn't talk about in a normal pub setting. For many it has built confidence and friendship whilst supporting others with mental health support.
8.	Support for the Application for a New Licence – Within Temptation I am writing in support of the application for a new licence for Within Temptation because I have genuine concerns about the impact its closure has had on a diverse section of the local community. I served for 13 years in the British Army and later as a police officer. Throughout those years I worked alongside and served people from every walk of life. Those experiences reinforced my belief that a fair and democratic society is one in which people are treated equally, with dignity and respect, regardless of whether others agree with their lawful choices or lifestyles. As a former police officer, I have attended Within Temptation on numerous occasions as a private individual. Throughout those visits, I have never personally witnessed criminal activity, disorder or behaviour that caused me concern. My observations have consistently been of a well-managed venue where consent, respect and personal responsibility were actively promoted. I also found the management and staff to be approachable, professional and genuinely committed to maintaining a safe and respectful environment. They were visible, engaged with members and

willing to address concerns whenever necessary. It was clear to me that the venue's management took their responsibilities seriously and understood the importance of operating within the conditions of its licence. I appreciate that my experience is my own, but it has been entirely positive and has given me confidence in the way the venue has been operated. Within Temptation should not be viewed solely as a venue for swingers. In my experience, it serves a much broader and more diverse community. Its members include people of different sexual orientations, gender identities, relationship styles and those within the kink community, alongside many who simply value an accepting, non-judgemental social environment. What unites those who attend is not a single lifestyle, but a shared commitment to respect, consent, inclusion and the freedom to be themselves without fear of prejudice. On a personal level, many of my closest friendships have been formed through Within Temptation. The people I have met there come from an extraordinarily diverse range of backgrounds and professions, including medical professionals, Armed Forces veterans, council employees, business owners and many others. Outside the venue they are simply ordinary members of society who contribute positively to their communities. Within Temptation provides an environment where those differences become irrelevant and everyone is treated with equal dignity and respect. For many members, Within Temptation provides something that is increasingly difficult to find elsewhere: a safe, regulated space where adults from communities that are often misunderstood or marginalised can socialise openly and responsibly. It fosters friendship, mutual support and a genuine sense of belonging. Reducing it to a stereotype fails to recognise the diversity of the people it serves and the positive role it plays within that community. The principles that underpin the Equality Act 2010 recognise the importance of dignity, equality and respect for all members of society. While not every aspect of an individual's personal relationships or interests falls within the Act's protected characteristics, I believe those principles should encourage fairness towards all people who choose to live lawfully and responsibly. Article 10 of the Human Rights Act 1998 protects freedom of expression. While this right is subject to lawful restrictions, I believe that venues such as Within Temptation help people exercise that freedom responsibly by providing a safe, licensed and regulated environment in which adults can express aspects of their identity and associate with others who share similar interests. The closure of Within Temptation has significantly reduced opportunities for many people to do so safely. I fully respect that many people will not share my views or have any desire to attend a venue such as Within Temptation. They are entirely entitled to hold those opinions, just as I am entitled to mine. However, in a tolerant and democratic society, personal disagreement with a lawful activity should not, in itself, become a reason to prevent others from participating in that activity within a properly regulated environment. Mutual respect requires that we protect the rights of those whose lawful lives differ from our own. From both my policing background and my personal experience, I firmly believe that regulated environments are safer than unregulated ones. If venues such as Within Temptation are unavailable, the community they serve does not simply disappear. Instead, people are more likely to meet in private homes, hotels or other locations where there is no licensing oversight, no trained staff, no welfare procedures and none of the safeguards that

	accompany a properly licensed premises. Having observed the venue over a number of years, I believe it has consistently supported the licensing objectives. In my experience, it has promoted the prevention of crime and disorder through responsible management and clear behavioural expectations. It has promoted public safety by providing a controlled environment where staff were present, rules were enforced and welfare was taken seriously. I have never experienced the venue causing public nuisance and, in my opinion, its existence reduced the likelihood of members of this community seeking to meet in unregulated locations. As an adult-only venue, access was appropriately restricted, supporting the objective of protecting children from harm. I also believe there is a broader public interest in supporting venues that allow minority communities to gather safely, lawfully and respectfully. A diverse and tolerant society is not measured solely by how it treats the majority, but also by how it respects minorities whose lawful lifestyles may differ from those of others. A properly licensed venue enables that diversity to exist within a framework of regulation, accountability and public safety. Throughout my service in the Armed Forces and later as a police officer, I swore to uphold the law and to serve all members of the public equally, regardless of their background, beliefs or personal circumstances. Those values did not end when I left those professions. It is because of those values—not despite them—that I believe Within Temptation deserves to be judged on the evidence of how it has been managed and operated, rather than on misconceptions or stereotypes about the community it serves. I respectfully ask the Licensing Committee to consider the wider role that Within Temptation plays within the community. It is more than simply a venue; it is a safe, inclusive and well-managed environment that enables adults from a wide range of backgrounds to meet lawfully, responsibly and without fear of judgement. For these reasons, I respectfully support the application for a new licence.
9.	To Whom It May Concern, I am writing to express my support for Within Temptations and its continued operation. My partner and I enjoy attending the club because it provides a safe, welcoming, and respectful environment. We always feel comfortable there and appreciate that it is a well-managed venue where people are expected to behave responsibly. We do not enjoy going to late-night pubs or bars, as we often do not feel as safe in those settings. Within Temptations offers a completely different atmosphere. Access is controlled, the door is kept locked, and everyone attending is there for the same reason, which creates a sense of security and mutual respect. It allows us to socialise with confidence and enjoy our evenings without the concerns we would have elsewhere. The club also has a positive impact on the local economy. On major event nights, many visitors travel from outside the area and use local hotels, taxis, restaurants, and other nearby businesses. This brings additional trade into the local community and supports businesses that benefit from increased customer numbers. In my experience, Within Temptations is a responsible, well-run venue that provides a safe place for consenting adults to socialise while also making a positive contribution to the local economy. I hope the council will take these points into consideration and support its continued operation.

Sexual Entertainment Venue Licence

SEV0003

THIS LICENCE WAS ISSUED BY

TORBAY COUNCIL

Licensing & Public Protection
Town Hall
Castle Circus
Torquay
TQ1 3DR

TELEPHONE: 01803 208025

WEBSITE: www.torbay.gov.uk

LICENCE HOLDER

NAME: Within Temptation Ltd

ADDRESS: 22 Manor Gardens, Kingskerswell, Newton Abbot, Devon, TQ12 5HF

LICENSED ADDRESS

PREMISES NAME: Within Temptation

PREMISES ADDRESS: Lower Union Lane, , Torquay, Devon TQ2 5PR

PERMITTED OPENING HOURS

Description	Time From	Time To
Sunday to Thursday	10:00am	1:30am
Friday to Saturday	10:00am	2:30am

LICENCE VALID FROM

09/05/2025

LICENCE VALID TO

08/05/26

SIGNED ON BEHALF OF THE ISSUING LICENSING AUTHORITY

R.A Hind

Rachael Hind
Regulatory Service Manager (Commercial)

This licence has been granted in conjunction with the attached conditions

Sexual Entertainment Venue Licence

SEV0003

CONDITIONS

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 staff when they leave the Premises following a period of work.

Club Rules (A guide to the acceptable conduct of customers)

- 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 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 areas. The use of table/bar notices or prominent signage throughout the premises would be satisfactory.

Staff

- 9) The Licensee shall ensure that 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.

Sexual Entertainment Venue Licence

SEV0003

CONDITIONS continued ...

- 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

- 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.

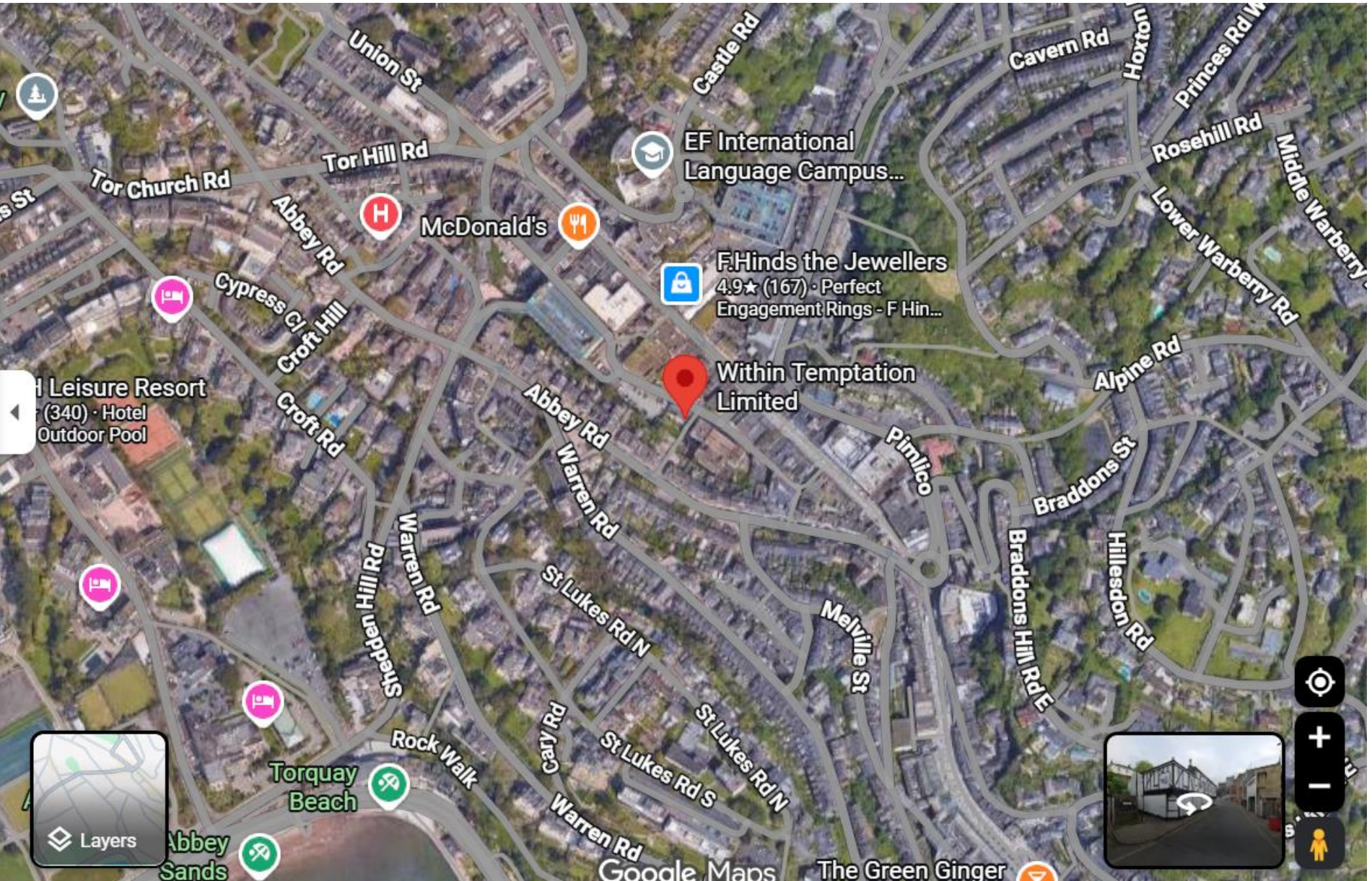
Sexual Health

- 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.

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