

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	<table border="0"> <tr> <td>a. Has the applicant ever been known by any other name?</td> <td>Yes ☐ No ☒</td> </tr> <tr> <td>b. Has the applicant ever been convicted of a criminal offence?</td> <td>Yes ☐ No ☒</td> </tr> <tr> <td>c. Has the applicant ever been refused a sex establishment licence?</td> <td>Yes ☐ No ☒</td> </tr> <tr> <td>d. Has the applicant ever had a sex establishment licence revoked?</td> <td>Yes ☐ No ☒</td> </tr> <tr> <td>e. Has the applicant ever been served with a winding up petition?</td> <td>Yes ☐ No ☒</td> </tr> </table> If the answer to any of these questions is yes, please provide details:	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 ☒
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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 ☒										
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?	Yes ☐ No ☒
	b. From other premises?	Yes ☐ No ☒
	c. Not at all? (internet sales only)	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 routes without impediment.
6. Location of points of access to and egress from the premises.
7. Any parts used in common with other premises.
8. Position of CCTV cameras
9. Where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor.
10. The location of any steps, stairs, elevators or lifts.
11. The location of any public conveniences, including disabled WCs.
12. The location and type of any fire safety and other safety equipment.
13. The location of the kitchen (if applicable).
14. The location of emergency exits.

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