

PLYMOUTH CITY COUNCIL

Subject: Temptations T2, 6-8 Union Street, Plymouth
Grant of Sexual Entertainment Venue Licence

Committee: Licensing Sub Committee

Date: 13 November 2012

Cabinet Member: Councillor Brian Vincent

CMT Member: Anthony Payne (Director of Place)

Author: Linda Perez – Licensing Officer

Contact: 01752 307983
e-mail: licensing@plymouth.gov.uk

Ref: ERS/LIC/SEV

Key Decision: No

Part: I

Purpose of the Report:

An application has been received from Temptations T2 Ltd in respect of the premises known as Temptations T2, 6-8 Union Street, Plymouth for the grant of a sexual entertainment venue licence under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009

Corporate Plan 2012 – 2015:

This report links to the delivery of the City and Council priorities. In particular:

Delivering Growth: The Sex Establishments Licensing Policy provides a balance between the need to protect residents against enabling legitimate businesses to operate within a necessary and proportionate regulatory framework.

Reduce Inequalities: The Sex Establishments Licensing Policy has put in place an appropriate framework that will allow decision-makers when considering applications to reduce the impact on safety, wellbeing and local amenity on the local community.

Value to Communities: The licensing system must minimise the burdens on business and to allow communities the opportunity to influence decisions.

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land

Not applicable

Fin		Leg	15987/ag/ 5.11.12	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											
Have you consulted the Cabinet Member(s) named on the report? Yes											

1.0 INTRODUCTION

- 1.1 On the 23rd August 2012 the licensing department received an application from Temptations T2 Ltd for the grant of a sexual entertainment venue licence under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the Act), as amended by the Policing and Crime Act 2009 in respect of the premises known as Temptations T2 situated at 6-8 Union Street, Plymouth
- 1.2 The Policing and Crime Act 2009 amended the 1982 Act in so far as it related to the licensing of sex establishments by adding the new category of 'sexual entertainment venue'.
- 1.3 A Sexual Entertainment Venue means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or entertainer. Relevant entertainment means any live performance or any live display of nudity which is of such nature that ignoring financial gain it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
- 1.4 Relevant entertainment is considered to be;
 1. lap dancing
 2. pole dancing
 3. table dancing
 4. strip shows
 5. peep shows
 6. live sex shows
- 1.5 Full Council resolved to adopt Schedule 3 of the Act on the 30 January 2012, to be effective from the 5 March 2012. The Council also resolved to adopt a Sex Establishment Licensing Policy (the Policy) which provides the framework within which all applications and other decision-making will be considered.

2.0 THE APPLICATION

- 2.1 The premises are situated on the first and second floors of 6-8 Union Street, Plymouth. The application is to provide lap dancing, pole dancing, stage dancing, striptease, private dances and private shower dances.
- 2.2 The application was correctly advertised in the Western Evening Herald on 24 August 2012 as required by the Act
- 2.3 The hours applied for are;

Monday to Saturday – 10.00am – 6.30am
Sunday - 10.00am – 6.30am

- 2.4 The following documents which formed part of the application are attached to this report marked Appendix A, as they are considered relevant to this application.

Site Plan

Drawings of front and rear façade of Premises

Floor Plan of Premises

Certificate of Incorporation of a Private Ltd Company

System for checking age and the right to work within the UK

Code of Practice for Monitoring and Enforcing

Rules for Customers

Welfare of Performers

Proposed Schedule of Conditions

Additional documents included by officers as they are considered relevant and are attached to this report marked Appendix B.

Premises Licence

External photograph of the premises.

Map of surrounding area. (500 ft)

- 2.5 The premises is located in Union Street an area governed by a quantity limit statement as defined in the policy which is a factor that should be considered when determining this application.

The Policy states:

‘The Act allows the Council to determine a number of sex establishments in a specific locality. This can include determining that the appropriate number is nil. The Council considers that there is an over-riding public interest to justify quantity limits for the areas known as Union St and the City Centre to avoid an excessive build up of sex establishments, thereby undermining the character and nature of the designated areas.

Whilst applications will be determined based on their individual merits there will be a presumption against granting additional licenses in areas where the number considered appropriate for that locality have already been granted.

The Council will not take account of commercial need. This is a matter for market forces and may be a relevant consideration for planning applications. The existence or absence of suitable planning approval is not a relevant consideration for the Council, but is a matter for the applicant.

For each of the following areas the number of sex establishments considered as appropriate is;

Location	No of Sex Shops/Cinemas	No of Sexual Entertainment Venues
Union Street	1	2
City Centre	1	Nil

For all other localities the appropriate number will be nil.

The number of Sexual Entertainment Licences applications to be considered at today's meeting is two.

- 2.6 Temptations T2 Ltd is an existing business that pre-dates the adoption of Schedule 3 of the Act and so hold a premises licence under the provisions of the Licensing Act 2003 for these premises which allows the sale of alcohol and regulated entertainment. The application under consideration is separate to these provisions. A copy of the premises licence is attached under Appendix B.
- 2.7 The premises licence issued in accordance with the provisions of the Licensing Act 2003 will remain in force regardless of the determination of this application, as this is required in order to permit the lawful sale of alcohol from these premises and any other form of regulated entertainment.

This is the first application for a sexual entertainment venue licence following the adoption of Schedule 3 of the Act. Having regard to the transitional arrangements that apply to existing businesses, if this application were to be granted, the business will be allowed to continue to operate under its existing arrangements until the 5 March 2012.

- 2.8 When determining a licence application, the local authority must have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention of Human Rights.

As an existing business a balance must be obtained between satisfying the aspirations and expectations of the licensing objectives set out in the new Sex Establishments Licensing Policy and human rights even though it may not completely accord with the new policy.

- 2.9 Members should be aware that the applicant has applied to open on Sundays which is in conflict with the parameters set out in the policy.

The Policy states:

‘The Council will apply hours of operation that are commensurate to the existing use of the area and its effect on the locality. There shall be normally be no operation of licensable activities on Sundays and Good Friday (6am to midnight), Christmas Day or Easter Sunday. Alternative opening restrictions may be put into place dependant on the character of each locality and representations received’.

If the Policy is followed this would mean that the operation hours would be:

Monday – Friday – 10am to 6.30am

Saturday – 10am to 6.00am

Members may consider departing from the Policy upon hearing suitable representations on this point.

Members should be aware of the times of opening requested by the applicant extend from 10.00am to 06.30am therefore if the application were to be approved, regulated activities licensed under Schedule 3 of the Act could take place throughout the day which is not now the case.

3.0 REPRESENTATIONS

- 3.1 No objections have been received to this application within the 28 day consultation period. One letter of representation was received from the Police that set out their observations in relation to this application a copy is attached

marked Appendix C.

4.0 CONSIDERATIONS

- 4.1 The Committee must have regard to the Policy in its decision-making. In particular the following licensing objectives will be taken into account when determining an application and any conditions attached will be necessary and designed to achieve these licensing objectives
- Prevention of crime and disorder
 - Protection of safety, health and public decency
 - Prevention of nuisance
 - Protection of children from harm
 - Protecting the nature, amenity and character of a neighbourhood
- 4.2 Members should be aware that Licensing Committee resolved to adopt a pool of licensing conditions that provides applicants, responsible authorities and Members with a resource from which conditions can be attached to a licence granted under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. This pool of conditions is not exhaustive and may be altered, amended or varied depending on the individual circumstances of each particular application.
- 4.3 Based on the information supplied by the applicant and the Police and the guidance set out in the Council's Policy, officers have prepared a draft set of licensing conditions for consideration, marked Appendix D. Care should be given that where conditions are attached they should be necessary and designed to achieve the stated licensing objectives.
- 4.4 Members should be aware that the policy states that employees receive training approved by Plymouth Safeguarding Children's Board on the identification of potential exploitation of trafficking of children and vulnerable adults. For this reason specific conditions have been included.
- 4.5 Paragraph 12 of Schedule 3 of the Act sets out the grounds for refusing an application for the grant, renewal or transfer of a licence.

Mandatory grounds for refusal:

A licence **must** not be granted:

- (a) to a person under the age of 18;
- (b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- (c) to a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- (d) to a body corporate which is not incorporated in an EEA State: or
- (e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in

respect of which the application is made, unless the refusal has been reversed on appeal.

None of the above applies to the licence applied for.

Discretionary grounds for refusal:

A licence **may be refused** where:

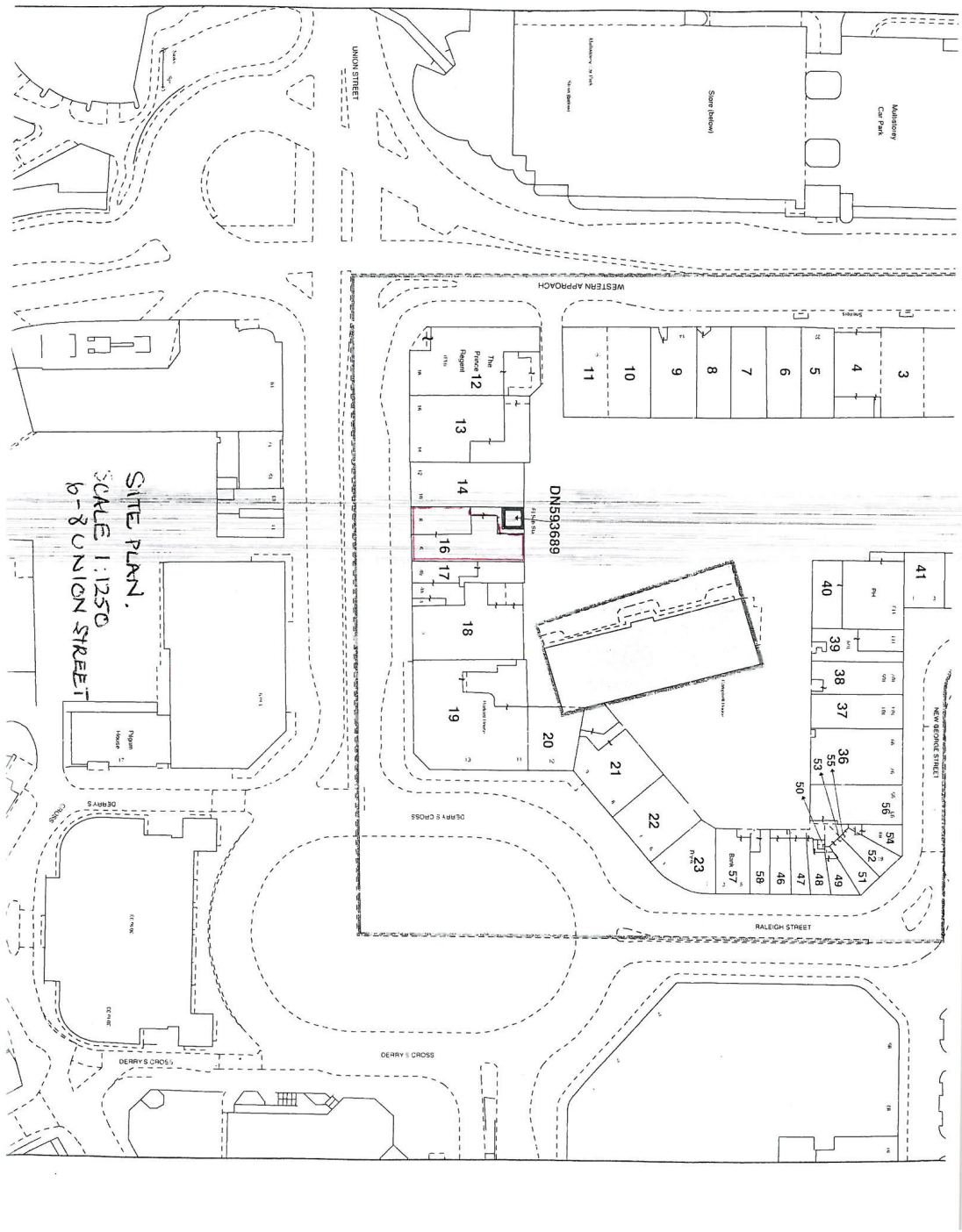
- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- (c) the number of sex establishments, or of sex establishments of a similar 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;
 - (1) to the character of the relevant locality; or
 - (2) to the use to which any premises in the vicinity are put; or
 - (3) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made

A decision to refuse a licence must be relevant to one or more of the above grounds.

- 4.6 The Provision of Services Regulations 2009 amended Schedule 3 to the 1982 Act to state that, if having considered an application for the grant, renewal or transfer of a licence, the appropriate authority decides to refuse it on one or more of the above ground's, it must provide the applicant with reasons for the decision in writing.
- 4.7 Having considered the application and representations, the Sub-Committee may
 - Grant a licence in accordance with the application
 - Grant a licence subject to additional and/or varied conditions
 - Reject the application.

R. Carton
Manager of Public Protection Service

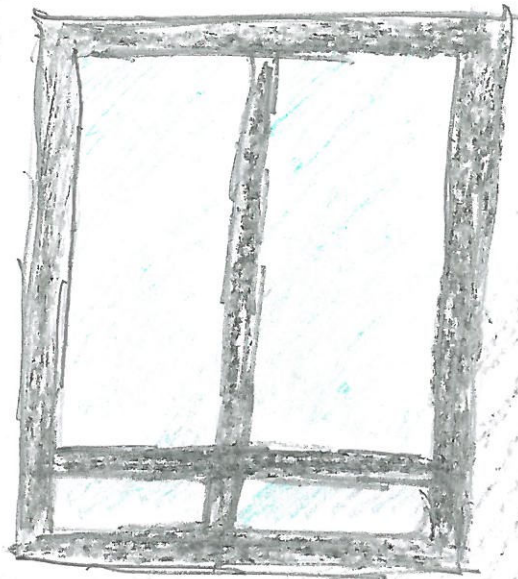
APPENDIX A



REAR.

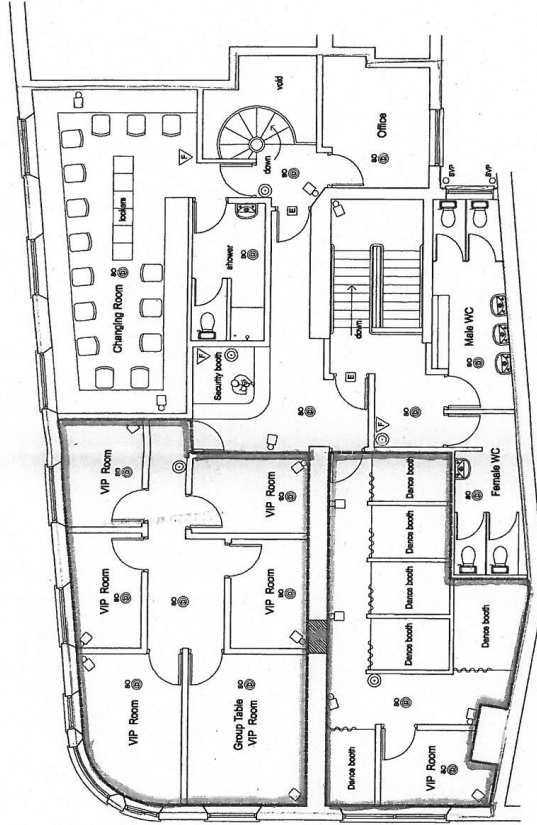


FRONT



TEMPTATIONS T2





Second Floor Plan

LEGEND	
	Break glass call point
	Fire alarm automatic detector - sounder & beacon on common base - Smoke optical
	Fire Extinguishers - Foam Type
	Fire Extinguishers - Carbon Dioxide Type
	CCTV Camera
	Fire Exit Sign
	Fire alarm interface
	Area for Alcohol Consumption

Notes

DO NOT SCALE
Use only within dimensions. Contractions work and any discrepancies are to be reported to Rio architects limited

Project Temptations Bar

Client Temptations

Y Shwido, 21A Alansbank Road, Heath, Cardiff, CF14 3PN.

Tel: 44 (0) 2920 250066 Fax: 44 (0) 2920 250065
Email: studio@riarchitects.com Web: www.riarchitects.com

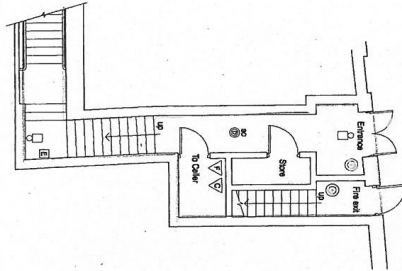
Job Number Rio 0167

Drawing Number ALLIC.02

Title Proposed Second Floor Plan
Licensing Drawing

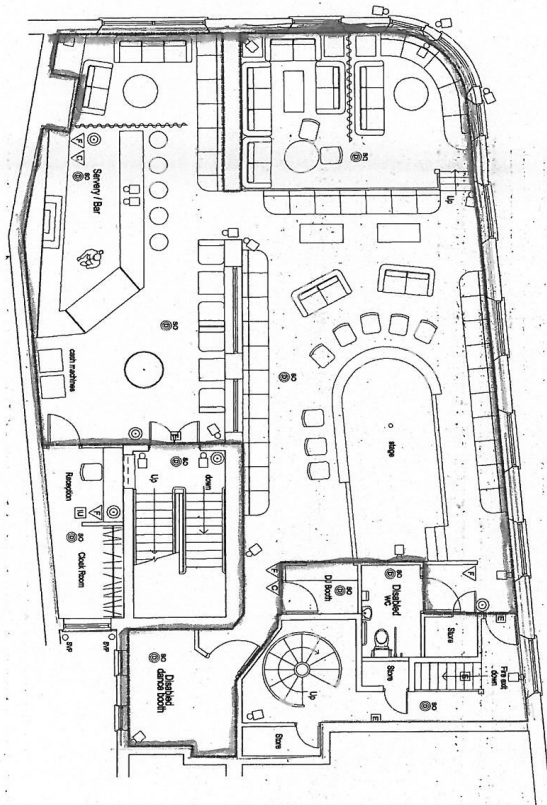
Revision	Date	Drawn	Checked
1	March 07	HC	RR

Ground Floor Plan



LEGEND	
⊙	Break glass call point
⊙	Fire alarm automatic detector - smoke & heatson on common areas - Smoke optical
▽	Fire extinguishers - Foam Type
▽	Fire extinguishers - Carbon Dioxide Type
□	CCTV Camera
E	Fire exit Sign
II	Fire alarm interface
□	Area for Mobile Consumption

First Floor Plan



Notes	
DO NOT SCALE Use only written dimensions. Contractors must verify all dimensions before starting work and any discrepancies are to be reported to the architect immediately.	
Rev	Date

Project: Templations Bar	Client: Templations
Y Swindon, 21A Marlborough Road, Heath, Cardiff, CF14 3PN.	
LICENSING	
Tel: 44 (0) 2920 250065	Fax: 44 (0) 2920 250065
Email: studio@fourthlica.com	Web: www.fourthlica.com

Job Number: Rio 0167	Drawing Number: AL.LIC.01
Title: Proposed Ground & First Floor Plan Licensing Drawing	
Revision:	Drawn:
Scale:	Date:
1:100 @ A3	March 07
HC	RR

rio

File Copy



**CERTIFICATE OF INCORPORATION
OF A PRIVATE LIMITED COMPANY**

Company No. 5058792

The Registrar of Companies for England and Wales hereby certifies that
TEMPTATIONS T2 LIMITED

is this day incorporated under the Companies Act 1985 as a private
company and that the company is limited.

Given at Companies House, Cardiff, the 1st March 2004



N05058792L



THE OFFICIAL SEAL OF THE
REGISTRAR OF COMPANIES



Companies House

— for the record —

The above information was communicated in non-legible form and authenticated by the
Registrar of Companies under section 710A of the Companies Act 1985



System for checking age and the right to work within the UK

- All performers are to bring in their identification. They are to provide their driving licence or passport and their national insurance number on the first night they arrive to work. A photo copy of this is taken for the clubs records.

(B)
CODE OF PRACTICE

Monitoring and Enforcing

- All performers are to bring in photographic identification such as driving licence/passport and a copy of which is kept on record.
- Temptations T2 has a strict no touching policy. Any performer who is found to be touching is fined £50. A log is kept of these offences. If they are found to commit a second touching offence then they are instantly dismissed.
- During opening hours a member of security will monitor every dance at all times along with the duty manager.
- There are to be no sex acts performed within the club. The duty manager and member of security will ensure no acts are performed not only between customers but also between performers performing.
- No personal details such as addresses or phone numbers are to be given or taken by any performer.
- No performer is to meet any customer outside of the club.
- Performers must remain ladies at all times. Performers must behave as such, we expect you not to over indulge in alcohol and a fine is given if you are found to be too intoxicated and the performer is asked to leave.
- Temptations T2 have the same S.I.A security on duty at all times. This ensures they are familiar with each of our performers. As the security are monitoring the CCTV cameras along with the manager at all times, any rules that are subsequently broken are dealt with immediately and any action can be enforced instantly. It is then the responsibility of the performer to deal with the outcome taken from any enforced action.



Rules for Customers

- Temptations T2 has a strict no touching policy. If you are found to be handling any member of staff you will be escorted from the premises.
- No recording equipment including mobile phones. If you are found to be using any form of photographic equipment then any footage is deleted and you will be escorted from the premises.
- Strictly no admittance to anyone under the age of 18
- Dress code is smart casuals only
- Chewing gum is banned from Temptations T2. If you are found to be chewing gum, you will be asked to remove it.



Welfare of Performers

- All performers have their own changing room, toilet and shower area which is locked. An electronic key is required to gain access to these areas and for security, only staff can gain access to these areas using the electronic key.
- All performers are aware not to give any of their personal details such as phone numbers to any customer, subsequently they are also forbidden to take any such details from any customer also.
- All areas of the club are covered and monitored by CCTV. During club opening hours there is a member of security monitoring them at all times. During non working hours they will continue to record 24 hours a day.
- All performers must be escorted to cars/taxis at the end of their shift by a member of security.

(E)

TEMPTATIONS T2

SCHEDULE OF CONDITIONS

1. House Rules

- (i) All customers are to be advised on entry to the premises that there is an absolute prohibition against any physical contact between performers and customers and notices to this effect shall be displayed at the reception and within the premises.
- (ii) Literature is to be available in other languages to inform foreign nationals of the absolute prohibition against any physical contact between the performers and customers.
- (iii) Contact between a performer and customer by way of an introductory handshake/kiss or when a tip is placed in their garter/armband or hand when payment is made for a performance shall be allowed and will not be deemed to contravene (i) above.
- (iv) There shall be no participation by any member of the audience in any performance involving total nudity.
- (v) Customers are not permitted to photograph, record, film or electronically transmit any performance. Any person suspected of doing so will be required to leave the premises.
- (vi) No customer shall accept from or give to any performer or member of staff any telephone number, business card or note.
- (vii) Customers shall remain seated whilst receiving/watching any lap dancing performance.
- (viii) No persons other than the performers engaged in the approved adult entertainment shall be in the designated areas of the premises used for such entertainment in a state of undress.
- (ix) A list of prices shall be displayed at suitable locations within the premises so that customers are made aware of the cost of performances.

2. Premises

- (i) No person under the age of 18 years (including employees) will be permitted on to the premises. An acceptable form of proof of age will be required from any

person appearing to be under 21 years of age prior to their admission on to the premises.

- (ii) Prominent notices shall be displayed at the premises prohibiting anyone under the age of 18 from entering the premises.

3. Performers

- (i) Performers shall be aged not less than 18 years of age.
- (ii) The Premises Licence Holder is to ensure that prior to engagement all performers and staff working at the premises provide documents to include facial photographic identification of proof that they are not less than 18 years of age. Copies of such documents shall be kept up to date and retained at the premises and be made available for inspection by enforcement agencies at all times.
- (iii) A register of performers will be maintained on the premises which will identify the responsible manager and the performers with their days and hours of duty. The register shall contain the performers real name, stage name, date of birth and current address.
- (iv) Dressing room(s) must be available for performers and will not be accessible to customers.
- (v) No performer shall accept, exchange or give telephone numbers or contact details to customers.
- (vi) No performer shall be allowed to work if they appear to be intoxicated whether by alcohol or through the use of prescribed medication or illegal substances.
- (vii) Performers will stop immediately and move away from any customer who is offensive or attempt to touch them and shall report any such incident and any other inappropriate behaviour or breach of house rules to the manager on duty.
- (viii) All performers are to be seen by a nominated person at the commencement of their shift and are to sign to confirm they have been verbally reminded of the absolute prohibition against any physical contact between performers and customers (otherwise than as permitted by 1(iii) above).
- (ix) A record of any breaches of the condition against the prohibitions against any physical contact between performers and customers together with the action taken shall be maintained at the premises and made available to the appropriate enforcement agencies on request.

4. CCTV

- (i) The premises shall be equipped with CCTV installed so as to cover all areas where approved adult entertainment will take place and will continually record during these performances. Recordings will be retained for at least 14 days and be made available only to a Police Officer or duly authorised officer of the Licensing Authority on request.
- (ii) CCTV must be continuously monitored by a designated member of staff whilst adult entertainment is in progress to ensure compliance with licensing conditions and the Company's operating policy.
- (iii) Other than recordings made in accordance with Condition 4(i) above, no photographic, filming, recording or electronic transmission of performance shall take place without the prior express written consent of the Licensing Authority.

5. Door Supervision

Not less than two registered Door Supervisors shall be on duty at the premises when performers are performing.

6. General

- (i) Whilst the Licensee is a body corporate any change of Director or Company Secretary or other person responsible for the management of the Company shall be notified in writing to the Licensing Authority within 21 days of such change and such written details thereof as the Licensing Authority may reasonably require in relation to any new Director, Secretary or Manager are to be furnished within 21 days of the receipt of a request in writing from the Licensing Authority.
- (ii) The Licensee shall ensure that some responsible person being a Director or a Manager nominated by it whose details have been supplied to the Licensing Authority in the Form of Annex A accompanying the application for the grant of the Licence shall be in charge of and upon the premises during the time they are open to the public.
- (iii) The Licensee shall retain control over all parts of the premises and shall not let, licence or part with possession of any part of the premises.
- (iv) The Licensee shall maintain good order in the premises.

Licensing Act 2003
Premises Licence

PA0221

Local Authority



Environmental Services
 Department of Community Services
 Licensing Unit
 Civic Centre
 Plymouth. PL1 2AA
 Tel: 01752 304141 Fax: 01752 226314
 Email: Licensing@plymouth.gov.uk

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

T2

First Floor, 6-8 Union Street, Plymouth, Devon, PL1 2SR.

Telephone 01752 604005

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- entertainment of a similar description to that falling within entertainment facilities for making music or dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors)	Monday to Sunday Seasonal Variations: British Summertime variation - one extra hour when adjusted Non Standard Timings: All public bank holidays 24 hours	10:00	06:00
G. Performance of dance (Indoors)	Monday to Sunday Seasonal Variations: British Summertime variation - one extra hour when adjusted Non Standard Timings: All public bank holidays 24 hours	10:00	06:00
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Sunday Seasonal Variations: British Summertime variation - one extra hour when adjusted Non Standard Timings: All public bank holidays 24 hours	10:00	06:00
I. Provision of facilities for making music (Indoors)	Monday to Sunday Seasonal Variations: British Summertime variation - one extra hour when adjusted	10:00 12:00	06:00 00:00



Licensing Act 2003
Premises Licence

PA0221

Local Authority



Environmental Services
Department of Community Services
Licensing Unit
Civic Centre
Plymouth, PL1 2AA
Tel: 01752 304141 Fax: 01752 226314
Email: Licensing@plymouth.gov.uk

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
I. Provision of facilities for making music (Indoors) continued ...	Non Standard Timings: All public bank holidays 24 hours		
J. Provision of facilities for dancing (Indoors)	Monday to Sunday Seasonal Variations: British Summertime variation - one extra hour when adjusted Non Standard Timings: All public bank holidays 24 hours	10:00 12:00	06:00 00:00
K. Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)	Monday to Sunday	10:00	06:00
L. Late night refreshment (Indoors)	Monday to Sunday Seasonal Variations: British Summertime variation - one extra hour when adjusted	23:00	05:00
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Sunday Seasonal Variations: British Summertime variation - one extra hour when adjusted Non Standard Timings: All public bank holidays 24 hours	10:00	06:00

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday Seasonal Variations: British Summertime variation - one extra hour when adjusted Non Standard Timings: All public bank holidays 24 hours	10:00	06:30

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Temptations T2 Ltd

Solar House C/O Freemans, 282 Chase Down Road, London, N14 6NZ.
Telephone 01752 604005

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)



Local Authority**Environmental Services**

Department of Community Services
Licensing Unit
Civic Centre
Plymouth. PL1 2AA
Tel: 01752 307983 Fax: 01752 226314
Email: Licensing@plymouth.gov.uk

**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE
AUTHORISES THE SUPPLY OF ALCOHOL**

Jeana Marie STONE

**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR
WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL**

Licence No. PL10725

Issued by Plymouth

ANNEXES**ANNEX 1 - MANDATORY CONDITIONS**

- (1) The first condition is that no supply of alcohol may be made under the premises licence: -
(a) At a time when there is no designated premises supervisor in respect of the premises licence,
or
(b) At a time when the designated premises supervisor does not hold a personal licence or his
personal licence is suspended.

- (2) The second condition is that every supply of alcohol under the premises licence must be made or
authorised by a person who holds a personal licence.

Door supervision

- (1) Where a premises licence includes a condition that at specified times one or more individuals must be
at the premises to carry out a security activity, the licence must include a condition that each such
individual must be licensed by the Security Industry Authority.
- (2) But nothing in subsection (1) requires such a condition to be imposed-
(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry
Act 2001 (c.12) (premises with premises licences authorising plays or films), or
(b) in respect of premises in relation to-
(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used
exclusively by club with club premises certificate, under a temporary event notice authorising plays
or films or under a gaming licence), or
(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations
under that Act).
- (3) For the purposes of this section-
(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it
applies in relation to paragraph 8 of that Schedule

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Licensing Act 2003
Premises Licence

PA0221

Local Authority



Environmental Services

Department of Community Services
Licensing Unit
Civic Centre
Plymouth. PL1 2AA
Tel: 01752 304141 Fax: 01752 226314
Email: Licensing@plymouth.gov.uk

ANNEXES continued ...

A Supply of alcohol

- ☐ Any existing conditions attached to existing justices licence
- ☐ The authorised hours for the sale of alcohol do not prohibit:
 1. during the first twenty minutes after the end of authorised hours the consumption of the alcohol on the premises;
 2. during the first twenty minutes after the end of authorised hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
 3. during the first thirty minutes after the end of authorised hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
 4. consumption of the alcohol on the premises or the sale or supply of alcohol to any person residing in the licensed premises;
 5. the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 6. the sale of alcohol to a trader or club for the purposes of the trade or club;
 7. the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
 8. the taking of alcohol from the premises by a person residing there; or
 9. the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
 10. the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

B Regulated Entertainment

- ☐ Standard National conditions applying to the existing [public entertainment licence]
- ☐ Existing special conditions.

1. Capacity - 200 persons

C Steps that have been taken to promote the Four Licensing Objectives

General

1. CCTV system in operation
2. Door staff on duty



Licensing Act 2003
Premises Licence

PA0221

Local Authority



Environmental Services

Department of Community Services
Licensing Unit
Civic Centre
Plymouth. PL1 2AA
Tel: 01752 304141 Fax: 01752 226314
Email: Licensing@plymouth.gov.uk

ANNEXES continued ...

3. Prominent notices displayed prohibiting anyone under the age of 18 years from entering the premises

X

The Prevention of Crime and Disorder

Customers are seated in that part of the premises that is dedicated for this purpose and there is an absolute prohibition against any physical contact between the dancers and the customers other than the transfer of money and tokens at the end of the dance. Continued adherence and vigilance of policies and procedures already in place and approved.

Public Safety

Not less than two registered door supervisors in areas where the customers are located and at the entrance to the club and continued adherence to the policies and procedures already in place and approved.

The Prevention of Public Nuisance

The premises are separate from any other and are not in a residential area and continued adherence to, and vigilance to, all policies and procedures already in place and approved.

The Protection of Children from Harm

Prominent notices are displayed prohibiting anyone under the age of 18 years from entering the premises, there are two door supervisors employed, continued adherence to the policies and procedures already in place and approved.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

X

CONDITIONS ADDED AFTER COMMITTEE HEARING OF 8TH SEPTEMBER 2009

1. The CCTV system covering the areas where performances take place are to be continually monitored by nominated staff and supervised by the duty manager during performances
2. All customers are to be advised on entry to the premises that there is an absolute prohibition against any physical contact between the dancers and customers
3. Literature is to be available in other languages to inform foreign nationals of the absolute prohibition against any physical contact between the dancers and customers
4. All performers are to be seen by a nominated person at the commencement of their shift and they are to sign to confirm they have been verbally reminded of the absolute prohibition against any physical contact between the dancers and customers
5. Maintain a record of any breaches of the licensing condition against the absolute prohibition against any physical contact between the dancers and customers with a summary of the action taken. This is to be made available to the Police/Licensing Officer upon request



Licensing Act 2003

Premises Licence

PA0221

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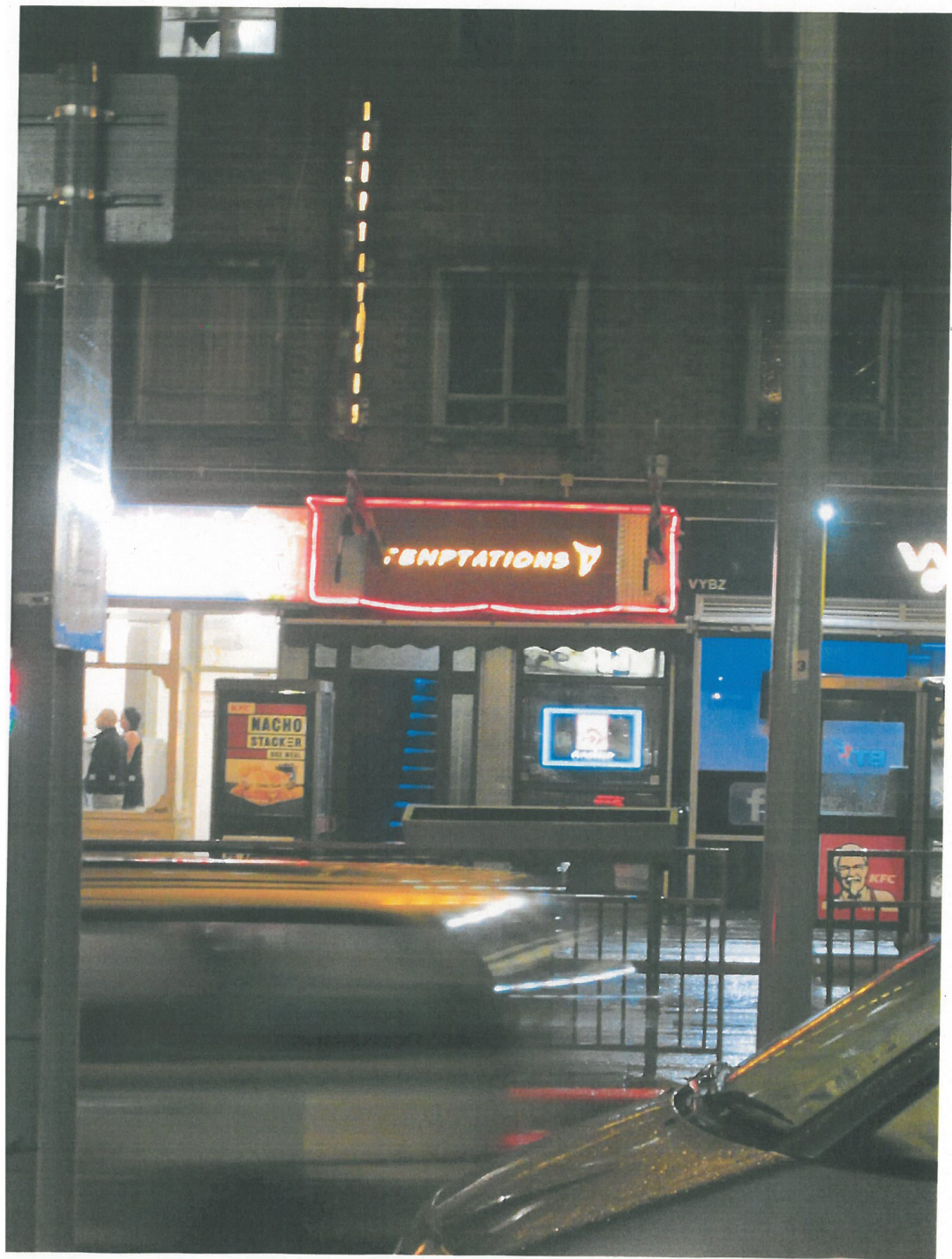
ANNEXES continued ...

ANNEX 4 - PLANS

As Attached

Assistant Head of Environmental Regulation Services







Address **6-8 Union St**
Plymouth, PL1 2SR, UK



Building safer communities together

Our ref: 54480/sev/T2

Your ref:

The licensing Officer
Plymouth City Council
Licensing Section
Civic Centre
Plymouth
PL1 2EW



Licensing Department (West)
Launceston Police Station
Moorland Road
Launceston. PL15 7HY

19th September 2012

Telephone: .

Dear Sir/Madam

Re: Application for a Sexual Entertainment Venue Licence – Temptations T2, 6-8 Union Street, Plymouth. PL1 2SR

The Devon and Cornwall Constabulary have received the above application made under the provisions of Schedule 3, Local Government (Miscellaneous Provisions) Act 1982.

The application has been scrutinised and the premises visited alongside a meeting with the applicants.

The business, its nature and working practices have been discussed.

The business has been in existence for more than 8 years and currently has a premises licence for the retail sale of alcohol under the Licensing Act 2003.

The sexual entertainment is by way of Lap dancing, Pole dancing, stage dancing and stage striptease. The performances take place on the general stage area and in the five V.I.P. rooms and eight private booths.

The Police have considered the grant application and have observations to make regarding the grant of the licence.

The Police wish to make the following representations for consideration by the licensing committee with regards to the application and for conditions to be included on the licence for the prevention of crime and disorder, the protection of safety, health and public decency and the protection of children from harm.

Licensingwest@devonandcornwall.pnn.police.uk

www.devon-cornwall.police.uk



CUSTOMER SERVICE EXCELLENCE

SF 615

Age Verification

A challenge 21 proof of age policy will be adopted and all staff will be trained in the procedures.

The training will take place on induction and at least twice per year. All training will be documented and available for inspection by a Police officer or duly authorised officer of the licensing authority on request.

Any person who looks or appears to be under the age of 25 years shall be asked to provide identification that they are over 18 years. The following are the only forms of identification acceptable:

- UK photo driving licence
- Passport
- PASS accredited cards
- Armed services identification

Challenge 25 signage shall be positioned in the reception alerting customers to this policy

Proposed conditions referred to in application – Marked 'E'

1. House Rules

(iii) add after contravene (i) above. Payment for a performance will be by cash. If a credit/debit card is offered the customer is to be taken to the duty manager or other person designated by that manager to complete any transaction. The credit/debit card will always remain in the possession of its owner.

(iv) remove words 'in any performance involving total nudity'.

2. Premises

(i) Alter 21 to 25 years.

3. Performers

(ii) amend to read (addition in italics)

The premises Licence holder is to ensure that prior to engagement all performers and staff working at the premises provide documents to include facial photographic identification of proof that they are not less than 18 years of age *and their right to work*.

Copies of such documents shall be kept up to date and retained at the premises and made available for inspection by enforcement agencies at all times.

(x) add

Performers will not simulate sex acts or remain in a state of nudity after their performance.

Yours sincerely

A handwritten signature in black ink, appearing to read "F. T. Prout". The signature is written in a cursive, slightly slanted style.

Mr F T Prout
Licensing Officer

**Draft Schedule of Conditions
Temptations T2**

A **‘sexual entertainment venue’** is defined as:

‘any premises at which relevant entertainment is provided before a live audience for financial gain of an organiser or the entertainer’

Relevant entertainment is defined as:

‘any live performance or any live display of nudity which is of a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means). An audience includes an audience of one person.

A **performer** is defined as any person operating at a sexual entertainment venue who carries out any activity falling within the definition of relevant entertainment

General

- I.1 The licence or clear copy shall be prominently displayed at all times to be readily and easily seen by all persons using the premises.
- I.2 Relevant entertainment may only take place between the hours of 10.00 and 06.30 on Mondays to Saturdays inclusive.
- I.3 Relevant entertainment will not take place on Sundays and Good Friday (06.00am to midnight), Christmas Day or Easter Sunday.
- I.4 Relevant entertainment may only take place in designated areas approved by the Council as specified in the licensing conditions.
- I.5 The license holder shall provide a copy of the House Rules to the Council for approval.
- I.6 A clear copy of the house rules shall be clearly displayed at the reception and on each table and each bar area which shall include:
 - i) No person under the age of 18 years shall be admitted to the premises.
 - ii) There shall be no contact between a performer and customer other than an introductory handshake/kiss or when a tip is placed in their garter/armband or hand when payment is made for a performance.
 - iii) No member of the audience shall throw money or otherwise give gratuities to the performers except as permitted in ii) above.
 - iv) There shall be no participation by any member of the audience.
 - v) Customers are not permitted to photograph, record, film or electronically transmit any performance. Any person suspected of doing so will be required to leave the premises.
 - vi) No customer shall accept from or give to any performer or member of staff any telephone number, business card or note.
 - vii) Customers shall remain seated whilst receiving/watching a performance of approved adult entertainment specific to table/lap dancing.

- viii) A notice stating 'any person breaching these rules will be required to leave the premises'.
 - ix) Payment for a performance or other transaction will be by cash. If a credit/debit is offered by the customer it shall be taken to the duty manager or other designated person to complete that transaction. The credit/debit card will always remain in the possession of its owner.
 - x) A price list showing all customer fees and charges shall be displayed in reception on tables and in all other relevant locations within the premises.
- 1.7 Literature is to be made available in other languages to inform foreign nationals of the absolute prohibition against physical contact between the performers and customers.
- 1.8 No displays shall be permitted, outside or in the vicinity of the premises, of any descriptions, photographs or other images that indicates that relevant entertainment takes place on the premises.
- 1.9 Relevant entertainment shall only be performed by the performers/entertainers and the audience shall not be permitted to participate.
- 1.10 No persons other than the performers engaged in the approved adult entertainment shall be in the designated area in a state of undress.

Premises

- 1.11 The exterior of the premises must be presented in a manner appropriate for the character of the area. There shall be no advertisement or promotional material used by the premises that is unsuitable to be viewed by children, for example, by way of sexually provocative imagery. Any exterior signage shall be discreet and shall not display any imagery that suggests or indicates relevant entertainment takes place at the premises. Any external displays or advertising may only be displayed with the prior approval of the Council.
- 1.14 There will be no external advertising or leafleting or personal solicitation of the premises or any adult entertainment. They will cause no publication and display of obscene and indecent matter to be displayed or distributed in advertising performances being held at the premises.
- 1.16 Whilst relevant entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice shall be displayed at the entrance to the premises in a prominent position so it can be easily read by persons entering the premises in the following terms:
- 'NO PERSON UNDER 18 WILL BE ADMITTED'**
- 1.17 Adequate toilets, washing and changing facilities for use solely by the performers shall be provided.

Performers

- 1.18 Performers shall be aged not less than 18 years of age.

- I.19 A copy of the premises licence conditions and the house rules shall be given to all performers and displayed at all times in or near the performers changing room/s.
- I.20 Performers will be required to read all the conditions of this licence and confirm by written record that they have understood and agreed the contents. A copy of this record will be available for inspection by enforcement agencies.
- I.21 There shall be no form of physical contact between customers and the performers during approved adult entertainment other than when the performer introduces him/her at the start of the performance and again at the conclusion of the performance, or when money is placed in their garter, armband or hand.
- I.22 Lap dancing/table dancing entertainment may only be provided solely by performers to seated customers.
- I.23 No performer shall accept or give telephone numbers from/to customers or exchange personal details with customers.
- I.24 The house rules and other relevant licensing conditions will be made available in the languages to inform performers who are foreign nationals.
- I.25 No performer shall be allowed to work if they appear to be intoxicated whether by alcohol or through the use of medication or illegal substances.
- I.26 Performers will stop immediately and move away from any customer who is offensive or attempts to touch them, and shall report such behaviour and any other inappropriate behaviour or breach of house rules to the duty manager.
- I.30 Performers shall have direct access to a dressing room without passing through or in close proximity to the audience at all times during the performance, which shall be located so as to be separate and apart from the public facilities. No person other than performers and authorised staff shall be permitted in the changing room/s.
- I.31 Dressing room(s) must be provided and shall not be accessible to members of the audience prior to, during or after the provision of the relevant entertainment.
- I.32 During the performance of relevant entertainment the premises will operate a 'no touch policy'.
- I.33 Performers will not simulate any sex acts.
- I.34 Performers will not be permitted to work if they are in breach of the staff house rules or conditions of licence.
- I.35 Nudity will only be permitted in the areas approved for relevant entertainment.
- I.36 Performers must redress fully immediately after each performance.

CCTV

- I.39 The premises shall be equipped with CCTV installed so as to cover all areas where approved relevant entertainment and full nudity will take place and will continually record during these performances. The cameras(s) will be

positioned to show all contact from the performer to the customer. Recordings shall be made available only to a police officer or duly authorised officer of the Council at the time of the request.

- I.40 CCTV must be continuously monitored by a designated member of staff whilst relevant entertainment is in progress to ensure compliance with licensing conditions and company operating policy.
- I.41 The CCTV images recorded will comply with the Information Commissioners Office (ICO) guidance document CCTV (Code of Practice) regarding the installation of CCTV and images will be retained for 28 days.
- I.42 The CCTV will be capable of being downloaded into a recognizable viewable format.
- I.43 The Police Licensing Department will be informed when the CCTV system is not working correctly within 24 hours.
- I.44 Other than recordings made in accordance with condition I.39 above, no other photographic, filming, recording or electronic transmission of performances shall take place without the prior, express written consent of the Council.

Door Supervision

- I.46 At least 2 licensed door supervisor(s) will be on duty at all times relevant entertainment is available.
- I.47 A register will be maintained of the door supervisors to include the date, time and licence number of working which will be available on the premises for inspection by a police officer or duly authorised officer of the Council at the time of request.

Management

- I.50 A register of performers delivering relevant entertainment will be maintained on the premises, which will identify the responsible manager at that time and the performers recording their date, hours of work, real name, stage name, date of birth and current address. The responsible manager will retain copies of all relevant documents that confirm the performer age and right to work (i.e. birth certificate, passport, PASS accredited identification, UP photo driving licence)
- I.53 The licensee shall inform the Council, in writing within 14 days, of any change of director, company secretary or other person responsible for the management of the premises.
- I.56 The licensee shall retain control over all parts of the premises and shall not let, license or part with possession of any part of the premises.
- I.57 The licensee shall maintain good order in the premises.

Age Verification

- I.58 A challenge 25 proof of age policy will be adopted and all staff will be trained in the procedures.

I.59 Any person who looks or appears to be under the age of 25 years shall be asked to provide identification that they are over 18 years. The following are the only forms of identification acceptable:

- UK photo driving licence
- Passport
- PASS accredited identification
- Armed services identification

Challenge 25 signage shall be positioned in reception/entrance alerting customers to this policy.

I.60A The licence holder or manager(s)/supervisor(s) must ensure that all staff are given proof of age induction prior to the commencement of employment (this will also apply to existing staff who have not undergone induction training).

I.60B All training will be documented and available for inspection by a police officer or duly authorised officer of the licensing authority.

Staff Training

I.61 The licence holder and manager(s)/supervisor(s) must undertake structured child sexual exploitation awareness raising training within 3 months of the awarding of a licence. The training must be undertaken in accordance with the Plymouth Safeguarding Children Board's approved training programme (with refresher training every 3 years).

I.62 The licence holder must submit evidence of the child sexual exploitation awareness training that has been undertaken for new staff, appointed since the issue of the last licence. This evidence must be submitted as part of any renewal application.

I.63 The licence holder or manager(s)/supervisor(s) must ensure that all staff are given sexual exploitation awareness induction prior to the commencement of employment (this will also apply to existing staff who have not undergone induction training).

I.64 On request, the Plymouth Safeguarding Children Board will provide a syllabus of the subject areas to be covered by any child sexual exploitation awareness training course.

I.65 All costs associated with the provision of any training course will be the responsibility of the licence holder.