

**Sexual Entertainment Venue (SEV) Licence Renewal
Liberte, 10 York Place, Leeds LS1 2DS.
Enforcement Activity Report for purpose of the Licensing Sub Committee**

Public complaints have been referred to the Entertainment Licensing Section regarding the amount of promotional teams in the City Centre on an evening. That promotional staff have been aggressive and in some situations have been importuning/soliciting/touting for business.

In April 2014 complaint was made that TRL Promotions Ltd (trading as Liberte) was employing a 17year old female. Condition 34 of the Sexual Entertainment Venue states that the licence holder will not employ any person under the age of 18 in any capacity. A warning letter was emailed to TRL Promotions Ltd (Liberte). Miss B Haruta (director) emailed Entertainment Licensing on behalf of TRL Promotions Ltd (Liberte), the following was extracted from that email. (appendix H(1))

Miss Hurata advised that “they (TRL Promotions Ltd) always require proof of identity and age and very often a student union/university card/passport or driving licence. Such enquiries would suggest a number of flyers do not have a passport or driving licence hence university ID cards.

All flyers who have worked for Liberte was assumed to be 18 and over as they had brought in identification checked by various people at the club”.

We have now made it mandatory for all flyers to bring a valid ID such as a passport or driving licence unless they don’t qualify for the check 25. Copies of each flyers ID will be placed on file and can be inspected”.

At 00.30hrs on 16th August 2014 officers of the Entertainment Licensing Section were working in the city centre along with West Yorkshire Police and noted promotional teams for at least two sexual entertainment venues in the Call Lane/Duncan Street/Briggate area of the city. At the time this area was very busy with members of the public. Officers wearing Leeds City Council hi visibility clothing approached promotional staff. Both teams, one branded the other unbranded immediately left the area before officers had an opportunity to speak with them.

On the 11th September 2014, officers of the Entertainment Licensing Section organised a meeting with all the Sexual Entertainment Venues in Leeds to discuss the increase in complaints regarding the amount and conduct of promotional teams. Although some ideas were discussed with a view to moving forward nothing was settled and no further agreements have been made to date.

On 23rd September 2014 Entertainment Licensing received from TRL Promotions Ltd (Liberte) an email (see Appendix H (1)) along with supporting documents (see Appendix H (1a) and 1b) and as a result of the meeting on the 11th September 2014. In the email Ms Huruta (Director) advised that they would require and be needing 14 badged flyering staff.

In the supporting document provided by TRL Promotions Ltd (Liberte) headed **How to Flyer** (see Appendix 2a) under the sub header **Badges** it states that:

‘all flyering consent badges must be worn in a prominent position when flyering. This is a mandatory requirement. When working in pairs the person handing out flyers should be the person who wears the badge. The second person in the pair can escort customers to the club’.

It is known that the promotional staff work in pairs. One person who must be in possession of a flyering consent badge will hand out the flyers, and their partner will then escort interested persons to the club. It is therefore considered that the request for 14 badges will actually provide for 28 persons (14 teams) working in the city at any one time from TRL Promotions (Liberte).

In the same document under the sub header **Notes on Attracting Customers** (see Appendix 1a) it states:

‘When out flyering always ensure that you are approached and do not approach members of the public. Rather, be ready to respond to member of the public who may approach you. We refer to this as “not touting”. Once in your designated location you should hold the flyer so it can be seen by anyone approaching. Once a customer has asked questions such as “what are you promoting”, “where is the club” and “what is on offer”, you should hand them a flyer if appropriate. Our flyers are designed to provide answers and information on most questions the customer may have’.

Once the individual or group have read the flyer and are waiting to go to the club, you should try to retrieve the flyer from them to avoid littering.

If anyone approaching is rude, appears to be under the influence of alcohol or drugs, are not dressed in the correct dress code, appear to be under 25 or have female company, please do not allow flyers to be visible.

Once the customer has agreed to go to the club they should be walked to Liberte using the safe walk way as set out by the club. Never use a dark or badly lit route.

If the individual or group have approached you but are not interested in our venue, please remain polite. Should someone ask for directions, for example to the train station, you should do your best to assist.

Never undermine another club/venue, be rude or aggressive. Always be polite and respectful. Remember, you are not only flyering staff, you are an ambassador for Liberte’.

In the document headed **Flyering Staff Training Notes** (Appendix 1b) item 3 states:

‘Offer Liberte leaflets to appropriate persons who approach you – never tout for business. We do not need to do this as we have excellent customers and do not want to cause offence to members of the Public with no interest in our operation’.

Leeds City Council received further complaints that sexual entertainment venues have been aggressively flyering. As a result on 26th September 2014 officers from Leeds City Council’s Environmental Action team undertook observational duties within the city centre and witnessed promotional staff from TRL Promotions Ltd wearing consent to flyer identification. They were not handing out flyers but were in fact walking up to members of the public and engaging in conversation. We believe that the promotional team were in fact touting and/or importuning for business. (Statement from Environmental Action is attached). (see Appendix 1c)

We are concerned that Leeds City Centre is being saturated with promotional teams for sexual entertainment venues.

The busy areas in Leeds where the SEVs are flyering are also located in close proximity to attractions frequented by families.

e.g.

Duncan Street/Briggate	-	McDonalds/Nandos/on route to bus station.
Merrion St/Belgrave/New Briggate	-	Grand Theatre and main thoroughfare out of city.
Albion St/Woodhouse Lane	-	Cathedral/arena exit route/bus stops/McDonalds.

East Parade/Headrow/Park Row	-	Cathedral/Cenotaph/Town Hall/Art Gallery/bus stops/Millennium Sq.
City Sq/Boar Lane	-	Trinity Shopping Centre including a cinema, Trinity Church, Burger King.

The Licensing sub-committee may consider it appropriate to review the existing conditions attached to the licence to control the activities of promotional teams operating for Sexual Entertainment Venues in Leeds.

Below for Members assistance are the relevant conditions of licence and alternative suggestions:

Existing condition 23;

Any written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.

Suggested amended to condition 23;

Any written, visual, auditory/verbal advertisement and promotional material including posters, leaflets, flyers, signage, promotional clothing and window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing prior to use.

Existing condition 24;

Leafleting/distribution of flyers will only be permitted in such a way where it does not cause public offence. This is regulated by the paid permit system authorising distribution of free printed material issued by Leeds City Council. The licensee will remove any leaflets from the highway within a 100 metre radius of the distribution point by 6am in addition to the area surrounding the premises. The licensee will have a flyer distribution policy to be approved by the council.

Suggested amendment to condition 24;

Promotional activities including leafleting/distribution of flyers will be carried out in a manner so not to cause public annoyance or offence. The licensee will have a flyer distribution policy to be approved by the council.

No more than 5 promotional teams consisting of no more than 2 persons per team will operate at any one time.

Promotional teams will not operate between 5am and 9pm Fri & Sat and between 4am and 9pm Sunday to Thursday.

The licensee will remove any leaflets from the highway within a 100 metre radius of the distribution point by 5am in addition to the area surrounding the premises.

Any person/company linked to the business whether directly or indirectly shall not seek to obtain custom by means of personal solicitation, touting and/or importuning.

Samantha Longfellow
Senior Liaison & Enforcement Officer
Entertainment Licensing Section

Longfellow, Samantha

From: Liberte Leeds <info@liberteleeds.co.uk>
Sent: 23 September 2014 23:24
To: Longfellow, Samantha
Subject: Liberte Leeds
Attachments: Flyering training notes jgr.docx; How to Flyer JGR.docx

Hi Samantha.

Firstly sorry for the delay in getting this to you, had a family wedding, and our weddings seem to go on for ever... Hope you had a good Break too.

Following from our last meeting, as per our our discussion we have decided that we would require and be needing 14 badged flyering staff. The Flyers not only are a integral part of our business but also a majority of the flyers are University students who depend on this income to take them through their studies at Leeds University.

We have attached our training document that we use and constantly looking to improve.

Whilst not restricting best practice, we would appreciate if the documents are kept Private and Confidential.

We take great care in training all our flyering staff, looking after their welfare and always aiming to remain compliance at all times.

any feed back would be most welcome

Best Regards

Bianca.



This email is free from viruses and malware because [avast! Antivirus](#) protection is active.

How to Flyer

Liberte is a premiere gentleman's club and it is essential that we present this image to the general public at all times.

Steps

Arrive at work on time, sign in and collect your uniform, badge, panic alarm and flyers. You should then choose the partner you wish to work with and choose your location. Ensure your manager is aware who your partner is and location you choose.

Uniform

We must be seen and recognised as a professional company from the moment communication is made between an individual or group and you, our representative. We wear a uniform for a number of reasons, including being easily recognisable to the club management and other members of the team. It also allows officers of the public and local authority to identify which club/licenced premises we work for should any issue arise.

Badges

Flying Consent Badges are issued by Leeds City Council and must always be worn in a prominent position when flyering. This is a mandatory requirement. When working in pairs the person handing out flyers should be the person who wears the badge. The second person in the pair can escort customers to the club.

Signing In

This is important so the club is aware of who is working and can arrange appropriate locations, e.g. away from formal events etc. It is also important so we are able to issue appropriate clothing (umbrellas, work jackets etc) and ensure you get home safely.

Signing in also allows us to ensure you have read and understand the training notes, as well as answer any queries you may have.

Panic Alarms

We do not advise any member of staff to work alone unless within our approved solo flyering zones; however, whether working alone or in pairs, should you feel the need to carry a panic alarm then please inform your manager who will provide this for you.

Any member of staff who found to have instigated fracas or argument will have their contract terminated.

Collection of Flyers

Please ensure you take an appropriate amount of flyers with you to your location. Any surplus flyers should be brought back to the club at the end of your shift. When in your location, should you find any flyers belonging to Liberte, please ensure you pick these up and return them to the club also.

Location

Your chosen location is where you will carry out your flyering duties from and this should be agreed with your manager at the start of your shift. If at any point you wish to change your location or swap with another member of the team, you should inform your manager of this for safety purposes.

The location from where you work is extremely important. You should ensure at all times that you do not offend members of the public and be mindful not to flyer close to churches, city halls, play area etc.

Notes on Attracting Customers

When out flyering always ensure that you are approached and do not approach members of the public. Rather, be ready to respond to member of the public who may approach you. We refer to this as "not touting". Once in your designated location you should hold the flyer so it can be seen by anyone approaching. Once a customer has asked questions such as "what are you promoting", "where is the club" and "what is on offer", you should hand them a flyer if appropriate. Our flyers are designed to provide answers and information on most questions the customer may have.

Once the individual or group have read the flyer and are waiting to go to the club, you should try to retrieve the flyer from them to avoid littering.

If anyone approaching is rude, appears to be under the influence of alcohol or drugs, are not dressed in the correct dress code, appear to be under 25 or have female company, please do not allow flyers to be visible.

Once the customer has agreed to go to the club they should be walked to Liberte using the safe walk way as set out by the club. Never use a dark or badly lit route.

If the individual or group have approached you but are not interested in our venue, please remain polite. Should someone ask for directions, for example to the train station, you should do your best to assist.

Never undermine another club/venue, be rude or aggressive. Always be polite and respectful. Remember, you are not only flyering staff, you are an ambassador for Liberte.

Flyering staff training notes

Flyering staff at Liberte must read and understand these training notes.

1. Dress smartly;
2. Be respectful and polite at all times;
3. Offer Liberte leaflets to appropriate persons who approach you - never tout for business. We do not need to do this as we have excellent customers and do not want to cause offence to members of the public with no interest in our operation;
4. Only leaflets to groups or individuals who appear to be over the age of 25;
5. Read and confirm your understanding of Challenge 25 policy;
6. At no point offer leaflets to family groups, couples or groups with children;
7. At the beginning of your shift re-read and understand the training document "How to Flyer";
8. When representing Liberte, always wear a flyering consent badge in a prominent position so it is clearly visible. These will be provided at the beginning of your shift, along with a langard, and must be returned to your manager at the end of your shift;
9. Always sign in and report to your manager at the beginning of your shift;
10. Always sign out and report to your manager at the end of your shift;
11. Never work alone, unless within an approved flyering zone. Stay with your allocated partner and be cautious when offering leaflets. Do not offer leaflets to anyone who appears to be under the influence of drugs or alcohol;
12. Look out for discarded leaflets in the area where you are working. Liberte is responsible for disposing of discarded leaflets;
13. Stay away from leafleting/promotion staff working for other clubs. There are plenty of potential customers for all licenced clubs in Leeds;
14. Panic alarms are available for your use. Please see your manager before your shift to receive one and return it at the end of your shift. Your manager will demonstrate how to use it.
15. If you are in immediate danger, become very ill or have a major accident shout for help and dial 999 if possible. Alert your partner;

16. If you have any concerns and are not in immediate danger, call the club straight away on 07512659412 or walk straight back to the club where you can get assistance;
17. Retain flyers where possible to avoid littering;
18. Know your location. It is important to the club,

WITNESS STATEMENTS
(CRIMINAL PROCEDURE RULES, PART 27)

Statement of witness
(*Criminal Procedure Rules 2011, r 27.1;*
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980 s5A &, s.5B)

STATEMENT OF: Wayne Tonks

Age of witness: over 18.

This statement, (consisting of 2 page/s each signed by me,) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 21st October 2014

Signed.....

I am employed by Leeds City Council as a Senior Enforcement Officer for the purpose of identifying, investigating and reporting environmental crime throughout the Authority including the Leeds City Council consent scheme that control's the distribution of Free printed materials throughout the City and up to the area of Headingley.

On the 26th September 2014, I commenced duty at 16:00 hrs to work till mid-night as a result of some complaints received that related to the evening economy within the City. One of the complaints in particular related to aggressive behaviour by consent badge holders in the area of Park Row, Leeds. There was no particular company identified.

During the evening I observed various persons both male and female operating in the area of Park Row and Boar Lane. I saw that they either approached the public themselves or waited till the public got within their own small operating areas and then conversed with them. I could see what appeared to be a Leeds City Council consent badge around their necks but could see no flyers being distributed so I approached them myself.

Signed.....

WITNESS STATEMENTS
(CRIMINAL PROCEDURE RULES, PART 27)

On speaking to the persons it was clear that there was only two clubs operating in this way, in that the remainder actually used the scheme for which it was designed and handed out flyers.

I checked the consent badges to ensure that the badges were valid, as they have an expiry date on each of them along with a unique number, a point of contact that includes a name and telephone number and the promoter's name.

At 23:40 hrs on Boar Lane I saw two males who had the consent badges clearly on display and again had no flyers to distribute, I watched as they approached two males who were not together and they each spoke to them separately. I watched as one in particular seemed to be explaining the benefits of attending his venue and wrote some details down for the gentleman on either a card or piece of paper, shook the man's hand and made a telephone call as the male walked away. I do not know who to.

I then approached these two males with the consent badges and could clearly see that they were in fact the Leeds City Council badges and that one had expired so I seized it to prevent any offences being caused. The details on the badge was: 6119, consent holder: TRL Promotions, contact name: Miss Haruta tel No 07512 659412 and the issue date was: 15/3/13 that expired on 14/3/14. The second badge was valid and also for TRL Promotions but as neither males had any flyers being distributed that no offence was committed by either.

I explained the reasons why I had seized it and asked how many promoters the venue had out and the male explained that there was five from the Liberte venue.

On checking the spreadsheet that I had with me that records all the details of consent holders I saw that TRL promotions located at 10 York Place, LS1 2DS had six current badges that expire on 22/1/15 and a further three that expire on 23/3/15. I also saw that TRL Promotions Ltd of Liberte 10 York Place, LS1 2DS had a further four badges that expire on 9/4/15.

I can say that at no time did I witness the badge holders being overzealous with any members of the public and I did when speaking to all of them throughout the evening explain that we had received a complaint of one of the venues conduct towards the public and because of the venue having what we believed a consent badge issued by our team that we had a duty to investigate.

Signed.....

WITNESS STATEMENTS
(CRIMINAL PROCEDURE RULES, PART 27)

[Formerly form 13, Magistrates' Courts' (Forms) Rules 1981 (SI 1981/553), relating to rule 70 of the Magistrates' Courts Rules 1981, section 9 of the Criminal Justice Act 1967 and section 5B of the Magistrates' Courts Act 1980].

Home Address: *To be attached to reverse of Statement for witness security.*

Number / Name of House:.....

Street:.....

Town:.....

City:.....

Postcode:.....

Signed.....