



Tokyo Industries (Ultimate) Ltd
UHY Hacker Young
St James Building
Manchester
M1 6HT

By email: [REDACTED]

Elections and Regulatory Services

Entertainment Licensing

Civic Hall

Leeds LS1 1UR

Contact: Entertainment Licensing

Tel: 0113 378 5029

Email: entertainment.licensing@leeds.gov.uk

4 April 2024

**Whiskey Down, First and Second Floors, 25 Crown Street, Leeds LS2 7DA
Renewal of Sex Establishment Licence**

I write in connection with your application for the renewal of the sex establishment licence for a sexual entertainment venue at Whiskey Down, 25 Crown Street, Leeds.

During routine inspections it became apparent that some of the conditions currently applied to sexual entertainment venue licences are out of date, redundant and in some cases, unworkable.

We undertook to review and revise the conditions in conjunction with all three licensed SEV premises and undertook a consultation on changes between 22nd August and 24th September 2023. No comments were received.

I attach the revised conditions for your information.

The licensing authority can waive, modify, or vary conditions and this generally happens when the Licensing Committee is considering the renewal of the licence. As such, we are writing to inform you that we will address this matter at the licensing subcommittee hearing, requesting that the revised conditions replace the existing ones on your licence and where you will have the opportunity to discuss the conditions, should you wish.

Should you wish to discuss this matter, please do not hesitate to contact me.

Yours sincerely

[REDACTED]

Susan Duckworth
Principal Licensing Officer
Entertainment Licensing
Leeds City Council

Sex Establishment Licence



Terms and conditions attached to a licence

These are the terms and conditions that are attached to the following Sexual Entertainment Venue licence.

Licence number:

Issued Date:

Expiry Date:

Premises:

General

1. In accordance with the Home Office guidance, where a condition conflicts with a condition in a Licensing Act premises licence, the more onerous applies.
2. Unless stated otherwise, the licence hereby granted will operate for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
3. The licence may be revoked by the council if, at any time, the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
4. The council may, at the time of grant or renewal of the licence, waive, modify, or vary these conditions or impose additional conditions as appropriate.
5. The licensee may apply to the council to vary any of the terms of the licence.
6. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the grant, renewal, or transfer of the licence.
7. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the council in writing.
8. The premises will only be open to the public during the following hours:

Sunday to Thursday 22:00 to 04:00

Friday and Saturday 22:00 to 05:00

Management

9. Where the licensee is a body corporate, or an incorporated body, they will notify the council, in writing, within 14 days of any change of director, company secretary or other person responsible for the management of the body.
10. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue (the manager), is convicted of an offence, they must, as soon as practicable after the conviction, inform the council of the conviction giving details of the nature and date of the conviction, and any sentence imposed.
11. The licensee will retain control over all parts of the premises and will not let, licence, or part with possession of any part of the premises. The council must be notified immediately if any part of the premises is affected by the termination of a lease or other event affecting the licensee's control of the premises.
12. The licensee will ensure that public access is restricted to the public areas as identified on the plan.

CCTV & Security

13. A suitable closed-circuit television (CCTV) system will be always in operation at the premises when it is being used for the provision of licensable activities and/or when members of the public are permitted to be on the premises. The CCTV system will record images to cover all areas of the premises to which the public have access (save for toilets), including any external areas of the premises such as car parks and beer gardens. The CCTV system will be capable of retaining images for a minimum of 31 days, will be of good quality and will contain the correct time and date stamp information. The CCTV system and images will be kept in a secure environment to which members of the public will not be permitted access. At least one member of staff will be on duty at the premises who can operate the system and download images recorded by it. These images will be provided, on request, to an officer of a responsible authority.
14. A minimum of two Security Industry Authority (SIA) registered door staff supervisors will be on duty on the premises during the hours of business. The licensee will assess the need for additional door staff supervisors at the premises and employ door staff supervisors at the time and in the numbers as deemed necessary by the risk assessment, and/or at any other time upon agreement with the local police.
15. Whilst booths and VIP areas are in use, the CCTV covering those areas must be constantly monitored, by a responsible person, to ensure that the conditions of the licence are adhered to.
16. Panic alarms must be fitted to all booths and VIP performance areas and will be operational at all times.

Notices

17. The licensee will clearly display, in a prominent position:
 - a. the "House Rules" which will describe the conduct expected of performers and customers.
 - b. a list of prices for drinks and sexual entertainment.
 - c. the name of the person responsible for the management of the sex establishment throughout the period during which they are responsible. This person will be known as 'the responsible person.'
 - d. Part B of the Sex Establishment Licence. Part A (Terms and Conditions) of the Sex Establishment Licence will be kept on the premises and be available for inspection by an authorised officer.

- e. a notice stating that no persons under the age of eighteen will be admitted to the premises. People who appear to be under the age of 25 will be required to show proof of ID prior to admittance.

Employment of Performers

- 18. The licensee will ensure that a performer has not been convicted of theft, drug offences or prostitution through the inspection of a DBS basic disclosure issued within 3 months before the commencement of work at the premises. The licensee will continue to make regular checks to ensure that the performer has not committed an offence during their contract, but not later than every 12 months from the date of commencement of employment.
- 19. Before a performer is permitted to work on the premises, the licensee will ensure that the performer has the right to work in the UK through inspection of a passport or identity card.
- 20. Before a performer is permitted to work on the premises, the licensee will ensure that age verification has been conducted to ensure the performer is over the age of eighteen.
- 21. The licensee will keep records of all checks, including copies of any documentation. These records will include an up to date photo to aid identification.
- 22. Before a performer is permitted to work on the premises, the licensee will provide the following information, either in paper form, or electronically:
 - a. A copy of the contract, including details of all the rules imposed by the management and the payment structure for relevant entertainment.
 - b. A copy of the House Rules.
 - c. Price lists for drinks and sexual entertainment.
 - d. Details of how to report crime.
 - e. Details of unions, trade organisations or other bodies that represent the interests of performers.
 - f. Details of support organisations.
- 23. The licensee will ensure performers have access to:
 - a. secure dressing rooms.
 - b. facilities to secure valuables.
 - c. sanitation facilities.
 - d. refreshment facilities.
- 24. The practice of fining, or docking pay, for any reason is prohibited.

Performers and Customer Conduct

- 25. Performers will only perform on the stage area, or in booths/areas for VIPs as identified on the plan attached to the licence.

26. Relevant entertainment will only be performed by the performer. There must be no audience participation.
27. There must be no physical contact between performers.
28. There must be no physical contact between the performer and the customer at any time.
29. Any performance will be restricted to dancing and the removal of clothes. There will not be any other form of sexual activity or stimulation which, for the avoidance of doubt, includes kissing or caressing.
30. Sex toys, equipment or restraints must not be used and penetration of the genital area by any means must not take place.
31. Customers will not be permitted to throw money at the performers.

Management of Booths, VIP, and Public Areas

32. Performers will only be present in the licensed area in a state of nudity when they are performing on stage or providing a private performance.
33. A smoking area for staff must be provided which is separate from the area where customers smoke. Customers and staff must not be allowed to interact while using these smoking areas. Performers must not be in a state of undress whilst using the smoking areas.
34. Suitable and sufficient training is to be provided to all staff including the responsible person. The training of all staff is to be recorded and the training record must be made available upon request to both the police and authorised officers.

Appearance of Premises

35. The external appearance of the premises must be approved by the council in writing. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation before work is undertaken.
36. No alterations (including temporary alterations) will be made to the structure and installations on the premises, without the prior written consent of the council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt, the licensee should seek advice from the council.
37. Access to the licensed area of the premises should be through a lobby area which is constructed in such a way that the inside of the licensed premises where relevant entertainment takes place is not visible to passing members of the public when the doors of the premises are opened.
38. No access will be permitted through the premises to any other adjoining or adjacent premises, except in the case of an emergency.

Advertising and Marketing

39. There will be no change of the name of the premises without the written consent of the council.
40. Advertising and marketing of the premises will only be permitted in such a way where it does not cause public offence.

41. Signage will only be illuminated between 10pm and 6am, and movable signs placed outside the premises will be removed between 6am and 10pm.
42. Any unsolicited 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.
43. Staff employed or subcontracted by the premises will not promote, tout, or advertise the premises, except by way of flyers. This is regulated by the paid permit system authorising distribution of free printed material issued by Leeds City Council. The licensee will ensure any discarded leaflets are removed from the Highways by 6am. The licensee will have a flyer distribution policy to be approved by the Council.
44. Staff engaged in the handing out of flyers will be properly and decently clothed.
45. Staff employed or subcontracted by the premises will not direct potential customers to transport connected with the premises. Vehicles must not be used for personal solicitation, touting or advertising. Only licensed hackney carriage and private hire vehicles can be used to transport customers to and from the premises. Limousines, Hummers, minibuses, rickshaws, bicycles, and novelty vehicles will not be used to transport customers to and from the premises.

Protection of Children

46. No persons under the age of eighteen will be admitted to the premises. The licensee will operate a Challenge 25 age verification policy. People who appear under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect will be displayed on the premises.
47. The licence holder will not permit any person under the age of eighteen to work on the premises in any capacity. The licence holder will conduct age verification checks of all persons including those who are subcontracted or self-employed and will maintain a recorded log which is kept up to date of all checks made, including the forms of identification checked. The record log shall be produced immediately on request to a police constable or officer of the Licensing Authority.