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ANNEX 5
23 MAY 2014

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Hilton Worldwide
Maple Court, Reeds Crescent
Watford, Hertfordshire
WD24 4QQ
United Kingdom

21 May 2014

Licensing Officer
Eco Depot
Hazel Court
York YO10 3DS

To Whom It May Concern:

I represent the Hampton by Hilton brand in Europe, Middle East and Africa and am based in our offices in Watford, UK. The Hampton by Hilton brand is part of the portfolio of brands that the Hilton Worldwide organization offers to travelers. The purpose of this letter relates to our Hampton by Hilton York hotel located on Toft Green in York and the night club located across the street from the hotel main entrance. It has come to my attention that there has been an application presented to change or modify the existing license of the night club to include a Sexual Entertainment License for which I am very concerned. Many of our guests are family groups with children, both younger children and older teenagers.

Since the opening of the hotel in October 2012, we have had to deal with complaints from guests staying in the hotel, in rooms overlooking the front of the hotel, of noise late at night which comes from the patrons of the night club across the street from the hotel. These complaints are tracked in multiple ways. First, our Hilton Worldwide system of guest comments are independently captured and monitored. Second, Trip Advisor captures comments from guests who have stayed in our hotel in York. Third, as part of our brand promise, we have a 100% Satisfaction Guarantee in place and we have repeatedly had guests claim the guarantee resulting in the refund of the cost of the room because their night's sleep was interrupted by noise emanating from the night club. When we refund the cost of the room, this includes the tax revenue collected resulting in reduced revenue for the city of York.

The Hampton by Hilton brand is a new brand in the UK and we take pride in being family friendly which makes York, a family friendly city, an ideal location for us. Our reputation is being hindered by the noise coming from the night club across from the hotel in York and the impact on our guests. Guests have stated they will not stay at Hampton by Hilton hotels because they could not get a good night's rest due to the noise issue from the night club. As a result of this, we are concerned about a potential change to the license of the club that could result in even more noise emanating from the patrons of the club. I ask that you consider the impact this could have on our hotel and the guests that are traveling to York. If a guest has a bad experience because they cannot sleep, it not only affects the brand but it also impacts negatively on the impression of the city of York.

We ask that this license to operate an SVE is not granted.

Thank you for your consideration of this letter.

Sincerely

Mark F. Nogal

cc: Kishor Majithia

*File number 27/15/14
HC.*

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30.05.2014 | re- Tokyo York, 3-5 Tofts Green, York YO1 6JT - Entertainment & Licensing Applications.

Ack 07/06

Licensing Unit
York City Council
Eco Depot,
Hazel Court
York YO10 3DS

Dear Sir | Madam,

award

I am writing to you on behalf of my clients, Safestay, a tourist Hostel located at Micklegate House, 88-90 Micklegate, York, YO1 6JX, in regard to the recent applications for changes to the Entertainment and Licensing of the above premises. My Clients wish to register the strongest objections to the proposals to change the existing Nightclub to a Strip-club. The basis for my clients objections fall within the terms of the act covering the CYC area and relate not to just one, as required, but all four of the required objections that can be lodged, namely;

1. Prevention of Crime & Disorder
2. Public Safety
3. Prevention of Public Nuisance
4. Protection of Children from harm

As a Tourist Hostel, which aims to both bring UK & foreign tourist of all ages, including School groups and teenagers to York, my clients feel it is wholly inappropriate to have the aforementioned proposed Strip-club usage in the immediate area and overlooking the rear of the Hostel premises. My Clients take the brand name 'Safestay' not just as a moniker, but very seriously, as the whole reason-detre for of its operations, since parents place their children and adults bring their families into the safe custody of my Clients facilities in the full expectation that the premises live up to their name and reputation. We fill that the proposed change of destination to the neighbouring building jeopardises the status quo and will generally bring the area into disrepute and we trust you will consider our strong objections when considering the proposals, particularly in relation to item 4 above.

Yours Faithfully.

Andrew Wakeling

29th May 2014

Dear Sir/Madam,

I am writing
to make a representation against Tokyo' nightclub's
application for a 'Sex establishment' licence.

As a local business, we feel that the approval of this licence
would have a greatly detrimental impact to businesses and residents
of the Micklegate area, as well as damaging York's reputation as a
beautiful and historic tourist destination.

We work closely with VisitYork and other local businesses, to
help boost York's tourist industry and support the local economy.
Our guests consist mainly of couples & families visiting York for a
relaxing break. Unfortunately, noise related complaints have
increased dramatically in recent months. This noise is music coming
from the venue itself, and perhaps more worryingly, Tokyo's clients
leaving the venue intoxicated. We have had many complaints from
guests awoken by the sound of brawling, vomiting, shouting,
smashing bottles, and even committing lewd acts. Surely these
incidents would only increase if Tokyo were to become a sex
entertainment venue- attracting groups of rowdy men, and stag
parties.

We are also concerned for the safety of the children who stay
with their guardians at our establishment. Families returning from a
civilised meal in one of York's many independent restaurants should
not have to bear witness to, or be confronted by intoxicated patrons
of this establishment, discussing inappropriate matters.

Thank you for taking the time to consider our representation,
we hope to hear from you soon,

City of York Council
Licensing Unit
West Offices
Station Rise
York
YO1 6GA
licensing.unit@york.gov.uk

1st June 2014

Dear Entertainment Licensing,

We write with regards to the application for a new Sexual Entertainment Venue (SEV) licence submitted by Tokyo on Toft Green, York, with a view to opening a lap-dancing establishment on their first floor.

We are opposed to the presence of SEVs in York, and our objection is centred on four key arguments:

- 1) **That Tokyo nightclub is located near to premises of 'sensitive use'**. From your own policy on the licensing of SEVs, you state that "Sensitive uses will include places of worship, schools, youth clubs, community centres, women's refuges, parks and leisure facilities. A concentration of residential property particularly included sheltered accommodation for vulnerable groups may also cause concern". Within less than half a mile of Toft Green the following premises may be found:
 - a) Places of worship - all with regular services
 - a. The Priory Church
 - b. York Baptist Church
 - c. The Rock of York
 - d. Bar Convent
 - e. St Mary's Church
 - f. St Columbas with New Lendal
 - b) Schools/Nurseries
 - a. Priory Street Nursery
 - b. All Saints Roman Catholic school
 - c) Community Centres
 - a. The Priory Centre

- b. York CVS
 - c. Family Matters
- d) Women's refuges/vulnerable groups services (within the vicinity of Priory Street Centre)
- a. IDAS
 - b. Survive
 - c. York Women's Counselling Service
 - d. Jessie's Fund
 - e. Mainstay (mental health service)
 - f. BASPCAN (British Association for the Study and Prevention of Child Abuse and Neglect)
 - g. Skills For Care
 - h. Inclusion Housing
 - i. Reflect
 - j. Priory Street Nursery
 - k. Bon Social Club
- e) Residential property
- There are residential properties on Toft Green itself and in the immediately surrounding areas of Micklegate and Priory Street.

- 2) **That, given the existence of a lap-dancing establishment nearby in Micklegate, it would not be appropriate to allow another such venue to operate within close proximity.** From your policy you state that a licence may be refused if "...the number of sexual entertainment venues in the relevant locality at the time the application is made is equal to or exceeds the number which the authority considers is appropriate for that locality". City of York Council has not committed to a policy with regard to the number of SEVs it deems to be appropriate for York, but we would urge you to consider that a city of this small size and with so many alternative forms of leisure and entertainment does not need two lap-dancing establishments to boost its night-time economy.
- 3) **That SEVs impact negatively on the character and reputation of York as a city of culture and tourism.** The area of York comprising Micklegate and its immediate environs is already known by both local residents and those who visit York regularly as an area which attracts large groups of drinkers, especially on weekends and race days, and which subsequently has more than its share of public order problems. In view of the fact that Tokyo intends to extend its opening hours to include the early evening on race days, when local businesses and services to vulnerable people may still be operating, we are of the opinion that granting this application could only impact negatively on this situation.
- 4) **That SEVs promote unfair and unequal working practices which do not act in the best interests of the performers.** The business model adhered to by most existing SEVs is run on exploitative and discriminatory principles. Performers are not employed directly by the clubs, but are deemed to be self-employed, and therefore must pay a fee on every night that they are working, and give a certain proportion of their earnings to the club. They may incur fines for being late or for not coming to work, which creates difficulties for those who have family responsibilities, and if the club experiences a quiet night, some performers may be sent home. It is not uncommon for them to lose money on some nights, but as they have no contract of employment they have no recourse to complaint. We would strongly urge you to consider the business model the proprietor of this establishment intends to follow and take this into account before making any decision about

granting the licence, since we would expect that City of York Council should be committed to promoting fairness and equality at work.

This objection is brought by members of our York Feminist Network, drawing on the work of human rights organisation Object and its supporters, including The Fawcett Society, Eaves, Million Women Rise, National Alliance of Women's Organisations, UK Feminista, White Ribbon Campaign and Women's Aid Federation of England.

Regards,



3rd June 2014

Licensing Services
City of York Council
Hazel Court EcoDepot,
James Street
York
YO10 3DS

Dear Sir/Madam,

**Objection to the application by Tokyo York for:
1. Sex Establishment Licence;**

I am the Managing Director of Avantis York Ltd, the owning company of the Hampton by Hilton Hotel, Toft Green.

I write to make representation against the application for a Sex Establishment Licence at 3-5 Toft green, York, YO1 6JT, on the basis that the grant of the licence would be inappropriate, having regard to the use to which premises in the vicinity are put.

The SEV (Sex Establishment Licence) application is for the premises which are directly opposite our Family Friendly Hampton by Hilton hotel. It would be totally wrong and unacceptable for our guests when returning to our hotel in the late evening, often with children, to pass crowded revellers possibly in a state of intoxication and probably sexual excitement and so prone to make abusive, rude and unwarranted remarks.

From the day the hotel opened in October 2012 our guests have made frequent complaints over the late night noise disturbance generated by attendees at the existing night club. This is well documented at the EPU and we understand investigations are currently being made in this regard with a view to a prosecution for breach of the existing licence.

We also have received many complaints from guests and staff over the congregation of revellers outside the premises most of which are not contained within the "smoking area" and spill into Toft Green and onto the hotel entrance stairway and disabled access slope. The attached photographs evidences this clearly.

Our General Manager is resident at the hotel on four nights per week (to enable the performance of the Duty Manager role on a late evening shift and an early morning shift the following day) and frequently has to make arrangements for the area immediately in front of the hotel to be cleared of debris and cleaned of vomit.

The grant of an SEV licence and the creation of a new venue within these premises can only exacerbate this nuisance.

The grant of SEV licence will also have a significant negative impact on our hotel's reputation as a Family Friendly Hilton hotel, and so our business, as the hotel will without doubt be referred to in guest reviews as a hotel opposite a Sexual Entertainment Venue. These guest reviews are posted on widely accessible websites (e.g. Trip Advisor) which are very powerful tools for travellers when choosing not only hotels but destinations generally.

- the creation of a smoking deck within the area licensed to serve alcohol immediately opposite our hotel entrance. I noted above the current noise and disturbance from attendees exiting the club to smoke and this will be exacerbated if the "smoking deck" is formalised and formalised as a licensed area. We also have grave concerns that SEV performers, in their outfits, may use the smoking deck which is not appropriate as we have family rooms (with large glass windows) facing the night club and this may cause offence to guests, particularly if the children are awake.
- The creation of an additional entry and exit point for access to and exit from the upper floor SEV. The creation of a distinct entry/exit point can only increase the noise and disturbance generated by the premises.

The Hampton by Hilton Hotel generates significant tourism expenditures in York including admission revenues to York's attractions, revenues to York's many restaurants and bars and over £2 million in hotel revenues, the negative impact of both the noise disturbance and the general melee of club attendees on Toft Green, on not only the hotel but York as a destination is clear.

As examples Trip Advisor – a web site frequently used by potential guests to explore other people opinions of a property and destination - lists Travellers Tips such as:

"Ask for a room away from the night club" ○○○○○ 27 Mar 2014,
"Ask for a room at the back of the hotel to avoid noise from the street in front, if there is any." ○○○○○ 8 Mar 2014
"Rooms the back quieter as the front faces a club and pubs" ○○○○○ 30 Dec 2013
"Ask for a room at the back of the hotel - to avoid any upset with the night club morons!" ○○○○○ 27 Dec 2013

The hotel as a part of Hilton Worldwide is assessed by an independent third party (Medallia) through an e-mail "Satisfaction and Loyalty Tracker" score. The recent "SALT" comments identify noise from the night club as a recurring complaint.

Under separate cover (and also attached) Hilton Worldwide have made representations to you in this regard. Hampton by Hilton is a family friendly brand with a significant number of guests at the York hotel comprising family groups with children.

With the experience of the SALT survey and Trip Advisor comments (above) in connection with noise, it is inevitable that similar negative comments will be posted should the SEV come into operation with the consequent impact on reputation of not only the hotel but York as a family friendly destination.

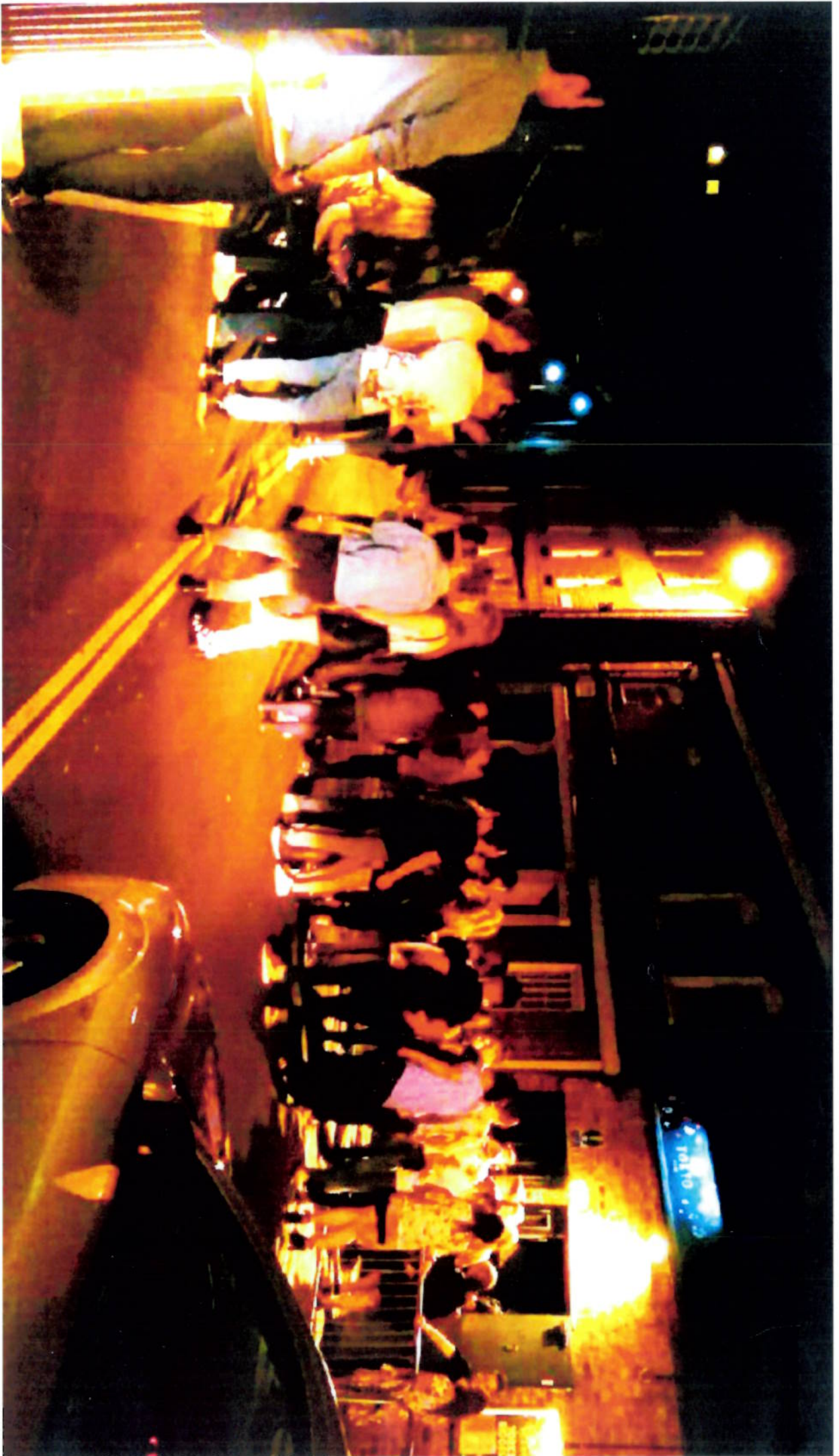
I ask that you refuse the application for a SEV Licence and the variation to the Premises Licence.

Yours faithfully



K Majithia
Managing Director

ENC. - 2 x PICTURES TAKEN ON 29/05/14



HANFOU

TOKYO N/C

Hampden



TORRIS N/C