

## **Record of Hearings of the Bradford Licensing Panel held on Tuesday 11 November 2008 in Committee Room 3, City Hall, Bradford**

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### **Procedural Items**

#### **DISCLOSURES OF INTEREST**

No disclosures of interest in matters under consideration were received.

#### **INSPECTION OF REPORTS AND BACKGROUND PAPERS**

There were no appeals submitted by the public to review decisions to restrict documents.

### **Hearings**

**Application for a Premises Licence for Tokyo, Great Horton Road, Bradford  
(Document "L").**



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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL

**RECORD OF AN APPLICATION FOR A PREMISES LICENCE FOR TOKYO, 11 GREAT HORTON ROAD, BRADFORD (DOCUMENT "L").**

Commenced: 1400  
Adjourned: 1440  
Recommended: 1455  
Concluded: 1640

**Present:**

**Members of the Panel:**

Bradford Licensing Panel: Councillors Hill (Chair), Love and Pullen.

**Parties to the Hearing:**

Mrs M McGurk, Licensing Officer  
Mr F Suadwa, Council's Legal Advisor

**Representing the Applicant:**

Mr A Mellor, Applicant  
Mr A Lyons, Legal Representative  
Mr J Beaumont, Designated Premises Supervisor

**Representing Interested Parties**

Ms C Johnson, Legal Representative for Brooke Leisure  
Mr P Hallam  
Mr W Muirhead  
Mr S Wood

**Representations:**

The licensing officer in attendance summarised the background to the application and valid representations received as set out in the report.

The applicant's Legal Representative referred to evidence he believed would be submitted from Brooke Leisure and questioned its validity and relevance. He claimed that he and his client had not had the opportunity to reflect on that evidence. The nature and the exact time that the evidence had been received by the Council was discussed. It was agreed that the evidence would be considered but that the applicant should be given sufficient time to consider it. An adjournment of the meeting was agreed to provide the applicant and his Legal Representative the opportunity to consider the evidence.

The applicant's Legal Representative informed Members that Tokyo would be trading in close proximity with similar licensed premises in the prime entertainment area of Bradford. He reported that the Tokyo brand had been built up over a number of years and operated in the north and north east of the country. The brand had developed into a successful business and had received many trade accolades. Prior to the application being submitted discussions had taken place with West Yorkshire Police and the proposed operating schedule and licensable activities had been considered. The applicant had been made aware of city centre issues including 'Operation Grid Iron' and the Street Angels

project. It was reported that the police had visited Tokyo premises in Huddersfield and had been impressed by the business operation.

Members were reminded that the premises were previously licensed until 0200 hours and following significant investment and redevelopment the applicant sought to extend those hours until 0600. The necessity for the 0600 extension was to enable entertainment which had taken place in other Tokyo premises on the same evening to be transported to the Bradford venue. It was stated that on those occasions the police would be informed seven days in advance and that ordinarily operation of licensable activities would cease at 0300 hours as did other premises in the area. The Council's legal representative advised that Members must consider that the hours applied for could be utilised at any time. A comparison between the operating schedule for Tokyo and other premises in the area was provided. It was claimed that the two representations which had been received amounted to trade objections. It was stressed that the investment made in the area would complement, not threaten, other businesses in the area.

The applicant provided details of a business launch which had operated with a Temporary Events Notice (TEN) and assurances were provided that occupancy had not exceeded 499 at any time. A private party for family, friends and employees who had worked on the project was also discussed. He reiterated the massive investment made in the area in an attempt to provide a first class venue in the city and prevent the migration to other areas because facilities were currently unavailable in Bradford. It was also claimed that business contacts developed ensured Tokyo could book events other premises could not attract.

Members questioned the internal and external design of the premises and proposed management of the venue including:

- the safety of the rooftop terrace and measures to prevent objects falling from that terrace;
- the proposals for CCTV coverage;
- staff training and proposals for Pub Watch membership;
- first aid arrangements;
- the level of qualified door staff to be utilised;
- noise monitoring arrangements;
- measures to prevent underage drinking;

In response it was reported that:-

- A glass balustrade prevented any falls from the roof terrace. The design had been selected because of the location of the building next to a listed property and its ensuing planning constraints. The applicant would be happy to accept a condition preventing alcohol on the terrace after 0300 hours.
- The premises would have 18 CCTV cameras; recording equipment would be accessible to the premises 'head office' and would be maintained for 120 days. All management, bar support and door staff would have night radio with links to the police and panic alarm buttons would be fitted on all bars.
- The applicant and Designated Premises Supervisor had attended pub watch meetings.
- The premises had three trained first aiders and all security staff would be first aid trained.
- Bottles would be disposed of in plastic wheel bins contained within the venue and would not be decanted into skips until the following working day.
- The premises operated a Challenge 25 policy to prevent underage drinking.
- Noise attenuation facilities were in place designed to prevent noise disturbance between the premises and its neighbours.

The Legal Representative acting for Brooke Leisure addressed the meeting. It was claimed that the applicant expected the license to be 'rubber stamped' and that this evidenced his casual attitude to the application.

Concerns about the roof terrace and potential crime and disorder issues were raised. It was claimed that customers had been seen leaning over the terrace and bottles and glass being dropped.

The report of Mr Wood, who had attended the area on the evening of an opening promotion, operated under a temporary events notice, (TEN) was discussed in detail. It was claimed that at the promotional event the capacity had been breached; barriers had blocked fire exits; waste bins had been placed outside of the premises and on public footpaths and litter had been deposited in the area. It was stated that if hours until 0600 were approved it must be assumed that the premises would operate until 0600 hours each day. Occasional trade until 0600 hours could be achieved through conditions on the license. If operating hours were extended to 0600 other bars in the area would have to extend their hours to remain competitive. It was feared that incidents of crime and disorder from the premises would taint all other businesses in the area and, that following concerns about overcapacity, the number of door staff required should be stipulated.

In response the applicant maintained that the glass screen on the roof terrace was high enough to prevent anything being able to fall over the edge. It slopped backward to protect potential injury but was designed to be invisible because of its location next to a listed building. Waste bins had been located outside of the property whilst building work was undertaken and these were now located inside of the premises. Barriers used on the promotional evening were temporary, they were designed to go around and not block fire exits. These would not be used during normal operations. A one-in-one-out door policy was used and although trading over the course of the evening would have exceeded 499 people there were never more than that figure on the premises at one time.

It was reiterated that the applicant and his legal representative had consulted with West Yorkshire Police prior to submission of their application to ensure that the application did not cause concern.

#### **Resolved –**

**That having considered all valid representations made by the parties to the hearing; the published statement of licensing policy and relevant statutory guidance; the Panel grants the application subject to the following conditions:-**

- 1.1 That a minimum of four Security industries Authority registered door supervisors, or a ratio of 1 to 100 attending customers, whichever is the greater, be employed at the premises during hours of licensable activity until the premises are closed and clear of customers.**
- 1.2. That no glass bottles be allowed onto or used by patrons on the roof terrace and only polycarbonate or plastic drinking receptacles be allowed on that area at all times of licensable activity.**
- 1.3 No licensable activity be allowed on the rooftop terrace after 03.00am.**
- 1.4 That the disposal of waste bottles into externally located receptacles shall not take place between the hours of 2300 and 0700 on any day and that those**

**receptacles must be lockable and secured at all times.**

**Reason:** To address concern of possible disturbance caused by activities in open areas very late at night and the possibility that glasses and drinking receptacles being used could fall from the rooftop terrace and cause injury to pedestrians below; and to prevent noise and litter caused by the disposal of bottles –Public Safety and Prevention of Crime and Disorder objectives.

**2.1 No entertainment of an adult or sexual nature shall take place at any time.**

**2.2 No children aged 14 or under be allowed on the premises during periods of licensable activity save for private functions.**

**Reason:** To assist in ensuring that young children are not present in a non-child friendly environment and that entertainment of an adult nature does not take place without adequate precautions being taken – Prevention of Crime and Disorder and Protection of Children from Harm Objectives.

**3. That prominent signs be displayed at all public exits to the premises requesting that patrons be quiet on leaving the premises.**

**Reason:** To limit noise and disturbance to residents late at night from patrons leaving the premises.

Chair

**Note: This record is subject to approval as a correct record at the next meeting of the Licensing Committee.**