

LICENSING ACT 2003 SUB-COMMITTEE

WEDNESDAY 20 JUNE 2012

9.30 AM

Viersen Room - Town Hall

AGENDA

Page No

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Application for Review of Premises Licence - Coco, 11-13 Broadway,
Peterborough, PE1 1SQ** **1 - 34**

Committee Members:

Councillors: Thacker (Chairman), Peach (Vice Chairman) and Saltmarsh

Further information about this meeting can be obtained from Gemma George on telephone 01733 452268 or by email – gemma.george@peterborough.gov.uk



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LICENSING ACT 2003 SUB-COMMITTEE		AGENDA ITEM No. 3
20 JUNE 2012		PUBLIC REPORT
Contact Officers:	Adrian Day, Licensing Manager Darren Dolby, Licensing Regulatory Officer	Tel: 454437 Tel. 453561

APPLICATION:	Summary Licence Review
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PREMISES:	Coco, 11 – 13 Broadway, Peterborough, PE1 1SQ
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REFERENCE NUMBER:	MAU 064353
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GLOSSARY OF TERMS:	Attached at Appendix A – Page 4
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1. PURPOSE OF REPORT

- 1.1 To consider and determine an application made by Cambridgeshire Constabulary for a summary review of a Premises Licence under Section 53A of the Licensing Act 2003 for the above premises. A summary review is applicable for premises experiencing serious crime or disorder.

2. BACKGROUND INFORMATION

- 2.1 On the 12th June 2006 an application was made to Peterborough City Council to apply for a premises licence for Coco which is situated at 11-13 Broadway, PE1 1SQ. As no representations were received from any of the responsible authorities or from any interested party, the premises licence was granted on the 11th July 2006. At that time the premises opened the premises licence holders were 'The Blue Room Ltd' and the designated premises supervisor (DPS) was Miss Tahira Andleeb.
- 2.2 On the 7th August 2008 a variation application was received to change the designated premises supervisor from Miss Andleeb to Mr Erjon Pjezergjokaj. As there were no Police representations this variation was granted on 22nd August 2008. A premises licence holder variation was applied for on 7th October 2009 and was granted on 22nd October 2009. The new licence holders were Havana Leisure Limited.
- 2.3 A review application was served by Cambridgeshire Constabulary on the 24th June 2011, under the prevention of crime and disorder and protection of children objectives. This review was brought about after an incident involving an under age youth party at the venue. After a period of mediation the review was withdrawn by the Police after the licence holders agreed to submit a minor variation to place further conditions on the licence. This variation was applied for on 30th June 2011 and granted on 15th July 2011.
- 2.4 An application for a further minor variation to the premises licence was made on 24th November 2011. This application was add the licensable activity of dancing to the premises

licence and also to modify a number of conditions on the licence. This application was granted on 8th December 2011. A copy of this current premises licence is attached at **Appendix B – Page 7.**

3. APPLICATION

- 3.1 In accordance with section 53A of the Licensing Act 2003 following the submission of an application for a summary review of the premises licence and the certificate signed by a superintendant from Cambridgeshire Constabulary, the licensing authority must consider if it is necessary to take interim steps within 48 hours.
- 3.2 A consideration hearing took place via email on the 25th May 2012 where the licensing sub committee determined the interim steps to be applied as per section 53B of the Act. The sub committee's decision was to suspend the premises licence.
- 3.3 The holder of the premises licence made representations appealing the decision of the interim step to suspend the premises licence. The appeal letter can be found at **Appendix C - Page 21.**
- 3.4 The licensing sub committee met on 29th May 2012 to consider the representations of the premises licence holder to appeal the suspension. The sub committee determined that the suspension should be removed and additional conditions placed upon the licence with immediate effect. A copy of this decision, including the additional conditions, can be found at **Appendix D – Page 25.**
- 3.5 A copy of the application for summary review and the accompanying certificate under section 53A, which was received at these offices on 24th May 2012 is attached at **Appendix E – Page 27.**
- 3.6 A copy of the 'Notice' that was displayed on the premises in accordance with Part 5 no. 38 of Statutory Instruments 2005 No. 42 – The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (as amended by the Violent Crime Act 2006 and Statutory Instruments 2007 No 2502) is attached at **Appendix F – Page 31.**

4. Summary of issues raised by Cambridgeshire Constabulary

- 4.1 The summary review has regard to an incident of serious disorder occurring on the 21st May 2012, involving a number of males involved in serious disorder both inside and outside the premises. Two of the males were severally beaten and one is currently (as of 28/5/12) still in a coma at Addenbrookes Hospital. Five other males have been charged in connection with the disorder and assaults. Cambridgeshire Constabulary were concerned that further incidents of serious disorder would continue to take place during the appeal period and recommended that the interim step should be to suspend the premises licence.

5. POLICY & GUIDANCE IMPLICATIONS

- 5.1 The following sections/paragraphs are applicable to this application:

5.2 Council's Statement of Licensing Policy

- Other legislation: *Section 7 on Page 7*
- Fundamental Principles: *section 6 on Page 6*
- Reviews: *section 16 on Page 12*
- Delegation / Decision Making / Administration: *Section 17 page 13*

5.3 Guidance Issued under Section 182 of the Licensing Act 2003 (April 2012)

- The licensing objectives: *Section 2 pages 8 to 18*
- Reviews: *Section 11 pages 90 to 96*
- Determining applications: *Section 9 pages 68 to 75*

6. LEGAL OFFICER'S COMMENTS

- 6.1 The Licensing Authority (hereafter referred to as "the Council) is charged with implementing the provisions of the Licensing Act 2003. This is an application for a summary review of a premises licence following the application by Cambridgeshire Constabulary (Responsible Authority) to review the premises licence made under section 53A of the Licensing Act 2003.
- 6.2 In this case, the application was received at these offices on 24th May 2012.
- 6.3 The application before this committee will consider –
- (i) The application to review the licence,
 - (ii) Any relevant representations
- 6.4 The committee will take such of the steps as it considers that action is necessary for the promotion of the licensing objectives. The steps are –
- (a) to modify the conditions of the premises licence
 - (b) to exclude a licensable activity from the scope of the licence
 - (c) to remove the designated premises supervisor from the licence
 - (d) to suspend the licence for a period not exceeding three months, or
 - (e) to revoke the licence
- and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added

Note: In this document, the following definitions are included to provide an explanation of certain terms included in the Act. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

‘Child’

(a) means an individual aged under 16

(b) a child is unaccompanied if he is not in the company of an individual aged 18 years or over

DCMS: Department for Culture Media and Sport

‘Designated Premises Supervisor’ means the person (who must be a Personal Licence Holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder.

‘Interested parties’:

- a person living in the vicinity of the premises in question;
- a body representing persons living in that vicinity, e.g. a residents association;
- a person involved in a business in the vicinity of the premises in question;
- a body representing persons involved in such a business e.g. a trade association.

‘Late Night Refreshment’ means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.

‘Licensable Activities’ means: -

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of Regulated Entertainment
- The provision of Late Night Refreshment

‘Licensing Authority’: - is the licensing function of Peterborough City Council

‘Licensed Premises’ includes club premises and events unless the context otherwise requires.

‘Licensing Objectives’

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

‘Operating Schedule’ means a document containing a statement of the following matters (and any others that may be prescribed): -

- The relevant Licensable Activities
- The times at which the Licensable Activities are to take place and any other times when premises are open to the public
- Information regarding the person who will be specified in the Premises Licence as the Premises Supervisor
- Where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises
- The steps being taken to promote the Licensing Objectives

'Rateable Value': as regards a premises, is the value for the time being in force for the premises entered in the local non-domestic rating list for the purposes of Part III of the Local Government Finance Act 1988(b).

'Regulated Entertainment' (Schedule 1 of the Act) means: -

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance

Or entertainment of a similar description falling within the last three of the categories listed above, where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

Or the provision of entertainment facilities:

Facilities for enabling persons to take part in entertainment of the following description for the purpose or purposes, which include the purpose of being entertained:

- making music
- dancing
- entertainment of a similar description

'Relevant Licensing Authority': is the Authority in the area the premises are situated.

'Responsible Authority' means any of the following: -

- Cambridgeshire Constabulary (The Chief Officer of Police)
- Cambridgeshire Fire and Rescue (The Fire Authority)
- Health and Safety Team, Peterborough City Council
- Planning authority, Peterborough City Council
- Trading Standards, Peterborough City Council
- Environmental Health – Pollution, Peterborough City Council
- Children's Services – Child Protection & Review Manager
- Maritime & Coastguard Agency, Walton on Naze. (For vessels carrying more than 12 passengers.)
- Environment Agency, Peterborough (For vessels carrying 12 or less passengers).

'Supply of alcohol':

- the sale by retail of alcohol, or
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

'Temporary Event Notice' means a Permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations: -

- Duration – they are limited to events lasting for up to 96 hours;
- Scale – they cannot involve the presence of more than 499 people at any one time;
- Use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 15 days irrespective of the number of occasions on which they have been used; and

- The number of notices given by an individual within a given period of time – a Personal Licence Holder is limited to 50 notices in one year, and another person to 5 notices in a similar period.

(In any other circumstances, a full Premises Licence or Club Premises Certificate will be required for the period of the event).

‘the Act’: means the Licensing Act 2003

‘Vicinity’: Given the normal everyday meaning of being ‘near to’ when considering the relevance of representations received from individual’s residence or business.

Licensing Act 2003\glossary of terms 13 March 2007

PART A

Premises Licence

Peterborough City Council, Operations Directorate
 Bayard Place, Broadway, Peterborough, PE1 1HZ

Premises Licence Number

062413

Part 1 - Premises Details

Postal address of premises, or if none, ordnance survey map reference or description Coco 11-13 Broadway	
Post Town Peterborough	Post Code PE1 1SQ
Telephone Number 01733 772266	

Where the licence is time limited the dates Start Date N/A End Date N/A
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<p>Licensable activities authorised by the licence</p> <p>Provision of regulated entertainment</p> <p>Live Music The live music will take place indoors</p> <p>Recorded Music The recorded music will take place indoors</p> <p>Making Music The activity will take place indoors</p> <p>Dancing The activity will take place indoors</p> <p>Sale by retail of alcohol The supply of alcohol will be for consumption on the premises</p>
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<p>The times the licence authorises the carrying out of licensable activities</p> <p>Live Music Monday to Sunday Between 10.00hrs and 02.00hrs</p> <p>Recorded Music Monday to Sunday Between 10.00hrs and 02.00hrs</p>
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Making Music

Monday to Sunday Between 10.00hrs and 02.00hrs

Dancing

Monday to Sunday Between 10.00hrs and 02.00hrs

Sale by Retail of Alcohol

Monday to Sunday Between 10.00hrs and 01.30hrs

The opening hours of the premises

Monday to Sunday Between 10.00hrs and 02.00hrs

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

The supply of alcohol will be for consumption on the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Havana Leisure Limited
159 Western Avenue
Peterborough
PE1 4HU

Registered number of holder, for example company number, charity number (where applicable)

Limited Company 6973900

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Erjon Pjezergjokaj
19 Duke Street
Fletton
Peterborough
PE2 8EB

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 Number	052235
Issuing Authority	Peterborough City Council

Annex 1 - Mandatory conditions

Licensees should note that the under enclosed Mandatory conditions should be read in conjunction with the granted licence and these conditions shall be enforceable where relevant to the operation of the premise and its activities.

Supply of alcohol (Premises Licence)

This registration authorises the supply of alcohol subject to the following conditions:

1. No supply of alcohol may be made at a time when
 - (a) there is no designated premises supervisor in respect of the premises licence, or
 - (b) when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Door Supervision (where supervisors are engaged this condition applies)

3. All door supervisors will be Security Industry Authority registered.

4. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

5. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

6. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
8. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
9. The responsible person shall ensure that–
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the Operating Schedule

Crime and Disorder

10. CCTV cameras will be positioned so that they cover the front aspect of the property in addition to internal rooms and bar area. The immediate viewing area of fixed cameras must not be obstructed or impeded by any fixture or fitting (eg banners or flags).
11. Digital CCTV recording equipment and associated cameras will be maintained once a week and a record of maintenance is to be kept. CCTV will record and store images for a period not less than 28 days and shall be produced immediately to an authorised officer on request.
12. Notices advising that CCTV has been installed on the premises shall be posted at the front entrance and within the bar area so that they are clearly visible to the public within the licensed premises.
13. A minimum of one SIA registered doorman will be employed at all times after 21:00 hours on a Friday and Saturday night, or when capacity is likely to exceed 100 people. They will be employed on the main access door to:
 - a. prevent the admission and ensure the departure from the premises of drunk and disorderly persons, without causing further disorder;
 - b. to keep out excluded individuals (subject to court or pub watch bans)
 - c. search and exclude persons suspected of carrying illegal drugs or offensive weapons
 - d. Maintain an orderly queue outside the venue.
 - e. Assist customers to leave the premises in a quiet and orderly manner.
14. Door staff to be vigilant in relation to asking individuals to leave before they become too drunk. They must ensure the safety of the individual and the public are a priority.
15. Staff training in relation to identifying and preventing sales of alcohol to any person who is, or appears to be drunk should be undertaken on a monthly basis. This training, together with ongoing training to prevent underage sales should be recorded in a written format and be available to an authorised Police or Council Officer upon demand.
16. Where glass bottles are used, they will be retained or disposed of on the premises.
17. No customers will be admitted, or permitted to leave when carrying open or sealed bottles or glasses.

18. Any person selling or supplying alcoholic drink under the authority of a personal licence holder must ask for a photo ID proof of age where they have reason to suspect that the individual may be under 18 years of age.
19. A policy agreed by the Police and local authority shall be implemented (for more information on this you can refer to the "Safer Clubbing Guide").
20. The premises licence holder shall ensure participation in the local pubwatch / nightsafe scheme operating in the area.
21. Any grills and / or alarms installed at the licensed premises shall be maintained in working order.
22. Lighting shall be provided outside the premises (and in the private car park) during the hours of darkness when any licensable activity takes place on the premises.

Public Safety

23. Escape routes and exits, including external exits, shall be maintained to ensure that they are not obstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified.
24. All exit doors shall be easily openable and shall not require the use of a key, card, code or similar means.
25. Doors at exits shall be regularly checked to ensure that they function satisfactorily and a record of the check will be kept.
26. Any removable security fastenings shall be removed whenever the premises are open to the public or occupied by staff.
27. Edges of the treads of steps and stairways are maintained so as to be conspicuous.
28. Safety checks are to be carried out before the admission of the public or club members and guests; and details of such checks are to be kept in a Log-book.
29. Temporary decorations shall not be used without prior notification to the licensing authority/fire authority.
30. Notices detailing the action to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, shall be prominently displayed and protected from damage and deterioration.
31. The fire brigade will be called at once on actuation of the fire alarm or to any outbreak of fire, however slight, and the details recorded in a Fire Log-book.

32. Management are responsible for ensuring that comprehensive arrangements exist to enable the safe evacuation of all disabled occupants in the event of an emergency.
33. An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.
34. The following systems shall be maintained and inspected by suitably qualified professional persons in accordance with any British Standards and at intervals recommended in national guidance, and records kept of such inspections available for inspection by authorised officers on request:

Fire Warning System
Gas boiler, calorifier or appliance
Portable fire fighting equipment
35. Valid public liability insurance shall be kept in force and a copy of the schedule shall be available for inspection by an authorised officer on request.
36. The premises shall not be altered in such a way as to make it impossible to comply with an existing licence condition, without first seeking a variation of the premises licence.
37. Staff on the premises shall monitor and record the number of patrons within the premises.
38. Sitting on floors shall not be permitted except where authorised in the premises licence.
39. Waiting or standing shall not be permitted except in areas designated in the premises licence.
40. In no circumstances is anyone permitted to:-
 - (i) sit in any gangway.
 - (ii) stand or sit in front of an exit, or
 - (iii) stand or sit on any staircase including any landings.
41. Where tables and chairs are provided, clear gangways to exits are maintained.
42. Portable heating appliances shall not be used on the premises.
43. Paraffin or other mineral oil in any lamp, stove or other appliance shall not be used on the premises except for cooking purposes.
44. The maximum capacity of the premises is 160 customers and staff downstairs and 60 customers and staff upstairs.
45. A fire risk assessment required under the Regulatory Reform (Fire Safety) Order 2005 (as amended) will be completed and be available for inspection by an authorised officer.

Public Nuisance

46. The placing of bottles into receptacles outside the premises shall take place at times that will minimise disturbance to nearby properties.
47. Receptacles for waste shall be emptied regularly to minimise nuisance smells.
48. The licensee shall take reasonable steps to prevent and control noise nuisance caused by persons using the Licensed Premises and also ensure patrons and visitors arrive and depart from the premises in a manner which will not cause annoyance to nearby residents.
49. Adequate and suitable (lidded) receptacles shall be provided to receive and store refuse from the premises/site.
50. Receptacles for refuse storage shall be maintained in a clean condition.
51. Trade waste containers will only be left out for collection of waste and will be stored off the public right of way at all other times.
52. If the situation should ever arise where patrons are requested to queue outside the premises this will be in an orderly queue on the Broadway side of the premises and not on the cycle path entrance to the recreational ground.
53. Prominent, clear notices shall be displayed at all exits, requesting customers and staff to respect the needs of local residents and leave the premises and the area quietly.
54. The $L_{Aeq,5min}$ level measured 1 metre outside a window to a habitable room, with entertainment taking place, shall be no more than 3dB higher than the representative $L_{Aeq,5min}$ level measured from the same position, under the same conditions and during a comparable period with no entertainment taking place.
55. All ventilation of steam and cooking fumes to the atmosphere shall be suitably filtered to avoid nuisance from smell, grease or smoke to persons in neighbouring or nearby properties.
56. Details of the nature and location of such filtration equipment should be submitted to and agreed in writing by the Local Planning Authority before installation and should be installed before the use of the premises commences.
57. All external doors and windows will be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.

Protection of Children from Harm

58. A crime prevention policy agreed by the police and local authority will be in place.
59. A proof of age policy agreed by the police and local authority shall be implemented.
60. The venue will not be hired out, either for payment or otherwise for any under '18' event.
61. No person under the age of 18 will be permitted at the venue unless they are accompanied by an adult and only if they are having a full table meal.
62. The 'Challenge 25' initiative to prevent sales of alcohol to persons under 18 years of age will be implemented at the premises.
63. Signage will be prominently placed within the premises advertising the fact that the premises operates the 'Challenge 25' initiative.

Annex 3 - Conditions attached after a hearing by the licensing authority - None

Annex 4 – Plans

PART B

Premises licence summary

Peterborough City Council, Operations Directorate
 Bayard Place, Broadway, Peterborough, PE1 1HZ

Premises Licence Number

062413

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description Coco 11-13 Broadway	
Post Town Peterborough	Post Code PE1 1SQ
Telephone Number 01733 772266	

Where the licence is time limited the dates	
Start Date	N/A
End Date	N/A

Licensable activities authorised by the licence
Provision of regulated entertainment
Live Music The live music will take place indoors
Recorded Music The recorded music will take place indoors
Making Music The activity will take place indoors
Dancing The activity will take place indoors
Sale by retail of alcohol The supply of alcohol will be for consumption on the premises

The times the licence authorises the carrying out of licensable activities

Live Music

Monday to Sunday Between 10.00hrs and 02.00hrs

Recorded Music

Monday to Sunday Between 10.00hrs and 02.00hrs

Making Music

Monday to Sunday Between 10.00hrs and 02.00hrs

Dancing

Monday to Sunday Between 10.00hrs and 02.00hrs

Sale by Retail of Alcohol

Monday to Sunday Between 10.00hrs and 01.30hrs

The opening hours of the premises

Monday to Sunday Between 10.00hrs and 02.00hrs

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

The supply of alcohol will be for consumption on the premises

Name, (registered) address of holder of premises licence

Havana Leisure Limited
159 Western Avenue
Peterborough
PE1 4HU

Registered number of holder, for example company number, charity number (where applicable)

Limited Company 6973900

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Erjon Pjezergjokaj

State whether access to the premises by children is restricted or prohibited

Restricted

Thursday 24th May 2012

To whom this may concern,

Today we received a licensing review from Peterborough City Council for the following premises :

COCO 11-13 Broadway, Peterborough, PE1 1SQ

I would like to appeal against this. Please see my argument below.

1 We were going to hold a lap dancing event on 16th May 2012. We received a call an hour before to advise us that we could not go ahead with the event, therefore we cancelled the event. As you can appreciate we had sold tickets and therefore people still attended. I would like to make it clear that we did not go ahead with dances or any sexual activity and all tickets were refunded on the door. On the evening police officers did attend the venue to check we had not gone ahead with the event and went away satisfied. Also CCTV was checked by the licensing officer Grahame Robinson and Darren Dolby.

2 Police recommended for our licence to be suspended on grounds of serious crime, however I would like to point out that in 7 years of trading, COCO has never had any issues with crime or other offences. Apart from a few minor issues which were resolved with a minor variation on our licence. On the night in question Monday 21st MAY 2012 there was an incident that took place. The people involved were drinking on the premises. They were told to leave because an argument had erupted in the premises. This was reported in the local paper, The Evening Telegraph and the actual part of the street where the incident occurred was photographed and published. (Please find attached article dated Tuesday 22nd May 2012.)The incident actually took place out on the street. As you can appreciate we are a club and incidents like this do happen occasionally. As you can see from our CCTV staff immediately tried to escort the offenders of the premises. For example SHOOTERS had 168 incidents in a year before it was even considered for their licence to be suspended and numerous incidents occur in an out of HALO &GHOST and all other venues. This should be duly noted from City Link Radio.

I would also like to state that James Burke, the boy who was seriously injured actually provoked the attack after approaching the offendantes outside the venue and ripping his top off to participate in the fight. Not in any way shape or form does COCO have anything to do with this matter as it is an incident that erupted between customers. This is clearly seen on CCTV that was obtained by the police. Also please note that were advised by a Police officer Mark Pearce that this incident would not affect our licence. We have been in contact with James's family and given our genuine support and a member of our staff is in continuous contact with James's Sister. It was stated to us by Grahame Robinson that James's family were members of the travelling community, although we will strongly argue this as the family are well known amongst our staff, and James's is friends with all members of staff and well known by many as he is an employee of O'NEILS on Broadway.

As a business we are fully supportive of James and his family and we understand the effect this may have on the community in respect of people worrying that another incident like this could occur but I would like to point out that once again we are a club and issues do arise.

3 There was an incident that occurred that we were advised by the licensing officer to do a minor variation which we adhered to. We try our very best to work closely with the licensing officer to comply with all rules and regulations and thought to date we had complied with this.

4 In regards to our cctv we have were told to install two more cameras, in which we worked through the night to ensure this was put in place with immediate effect. The head of CCTV at Thorpe wood police station advised us that we had very good system and rates us 8 out of 10 when she collected data from our system after the event had taken place. This confuses me as to why in the application to review our licence it states and I quote 'CCTV installation and coverage is deemed unsatisfactory and in direct contradiction to conditions set out within the premises license.' Please find a five 5 minute recording from our CCTV to see for yourself the quality.

In the report it was stated that illegal unlicensed activity occurred as our license clearly states no alcohol to be sold after 2am and we take responsibility in this matter as the last drink to be sold was at 4 or 5 minutes past 2 and the member of staff who sold the drink has been given a verbal warning. The drink was served to a customer who had already been drinking in the venue and the front doors were locked as it was last orders.

We do not feel that will be a reprisal to the incident and would like you to strongly re access the application to suspend our licence. We are happy to co operate in all means and form to ensure all rules and regulations are again adhered to.

Thanks for your time in considering this appeal.

Kind Regards

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Five arrested as man is left fighting for life

By **MATTHEW REVILLE**

matthew.reville@peterboroughtoday.co.uk

[@ET_Reville](#)

A MAN is fighting for his life in hospital after an alleged night-time attack that led to five men being arrested.

Paramedics found two men covered in blood following a suspected assault outside the Coco bar in Broadway, Peterborough city centre, shortly after 2.30am yesterday.

Police say a 21-year-old man was taken to Addenbrooke's Hospital with potentially life-threatening injuries.

Another man, aged 59, was also taken to Peterborough City Hospital. His injuries were described as serious but not life-threatening.

Cambridgeshire Police arrested five men aged between 19 and 23 on suspicion of affray and held them in Thorpe Wood Police Station for questioning.

Onlookers watched as police officers and Scene of Crime Officers cordoned off the pavement outside Coco from 10am until 5pm yesterday as they searched for clues to help their investigation.

A spokeswoman for Cambridgeshire police said: "We were called at 2.44am to reports of concern for a man outside Coco on Broadway.

"A 21-year-old man was taken to Addenbrooke's Hospital with serious possibly life-threatening injuries and a 59 year old man was taken to Peterborough City Hospital with serious injuries.

"A 23, 21, 20 and two 19-year-old men were arrested on suspicion of



PROBE: Police investigate the scene outside Coco after an alleged assault yesterday morning.

affray. They are in custody.

"We are working through to try and establish what has happened by looking at CCTV and carrying out forensic examinations at the scene."

Police have declined to say whether any weapons were thought to be involved or if they were searching for more people in connection with the alleged assault, when asked by *the ET*.

The incident has shocked people who work and shop in the city centre, who had to avoid the police cor-

don.

The closed area initially included Talking Heads Hair Studio, in Broadway, but the cordon was restricted to the pavement surrounding Coco at around noon.

Employee John Tirone said: "We had to rearrange appointments."

"It was really busy when the police got here but nobody seemed to know what was going on. It's usually quiet down here; we've not had anything as nasty as this before."

Jan Osborne, of Cowbit, works in

Broadway and said: "It's worrying. There are young and old in this area, though I'm not sure how many people are here at 2.30am."

An East of England Ambulance Trust spokeswoman said: "We were called to reports of an assault at 2.48am."

"There were two people covered in blood, and police were on the scene. One male had a mouth injury and one male had a head injury."

Anyone with information should call Cambridgeshire police on 101.

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DECISION NOTICE

LICENSING ACT 2003 SUB-COMMITTEE

29 MAY 2012

APPEAL HEARING AGAINST EXPEDITED REVIEW

COCO, 11-13 BROADWAY, PETERBOROUGH, PE1 1SQ

We have considered the representations made on behalf of the premises licence holder, submitted today and those in writing.

We have considered the comments made by Cambridgeshire Constabulary (the responsible authority and applicants for the review).

In our deliberations we considered the various options available, being:

- whether the interim steps are necessary for the promotion of the licensing objectives;
- should the steps be withdrawn or modified.

The decision of this Licensing Act 2003 sub committee is therefore to remove the suspension of the licence but to apply the following conditions with immediate effect:

- Ensure that the CCTV facility at the premises is to a standard acceptable by the Police and Licensing Authority;
- The licence holder or the Designated Premises Supervisor must be on the premises at all times during the sale of alcohol;
- The sale of alcohol to cease at 0.00am (midnight);
- The premises to close at 00.30 am;
- The emergency service be contacted immediately if an incident occurs that is considered to be serious; and
- The licence holder and DPS work more closely with the Police and Licensing Authority to promote the Licensing objectives and ensure the conditions of the licence are upheld.

09.30 am – 11.45 am

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ANNEX C

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

Peterborough City Council Bridge House Bridge street Peterborough

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

I Superintendant Vajzovic officer of police for the Cambridgeshire Constabulary area apply for the review of a premises licence under section 53A of the Licensing Act 2003.	[on behalf of] the chief police
--	------------------------------------

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

Coco,11 - 13 Broadway, Peterborough, PE1 1SQ

Post town: Peterborough

Post code (if known): **PE1 1SQ**

2. Premises licence details:

Name of premises licence holder (if known): Havana Leisure Ltd, 159 Western Avenue, Peterborough, PE1 4HU - Limited Company 6973900

Number of premises licence holder (if known): Not known

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with

serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime serious disorder or both:

[Please read guidance note 2]

At Coco on Wednesday 16th May 2012 between 20:00pm and 02:55am management at Coco's conducted a lap dancing event at the venue despite being given appropriate advice not to by the Police district licensing officer. The venue does not have the facility of performance of dance on the premises license, and have not disclosed during the initial license application in 2006 that they would intend to show such performances, which ultimately could be authorised by a temporary event notice. As a result of this activity the Police licensing Officer felt it necessary to prepare to submit an application to review the premises license through normal procedures. However, prior to taking this course of action a serious disorder took place at Coco on Monday 21st May 2012 at 02:45am, between customers and eventually involving staff.

As a result of this disorder two males were severely beaten and left unconscious in the road. One of those males remains at Addenbrookes Hospital in a coma with severe life threatening head injuries. Five males have subsequently been arrested as a result of this offence and have been remanded in custody. Staff at the venue, who were at the scene have not been arrested. CCTV evidence has been seized by the Police following the violent disorder and this suggests that alcohol sales continued beyond the 02:00am cessation of the licensable activity, and that those involved were extremely impaired through drink. CCTV installation and coverage is deemed unsatisfactory and in direct contradiction to conditions set out within the premises license. The main CCTV camera covering the front of the bar and dance floor is obstructed by a chandelier. Images are blurred and sub standard despite a review and advice to upgrade the system in September last year.

This serious disorder, combined with the illegal unlicensed activity and a number of minor license breaches shows that the Premises license holder and the designated premises supervisor have failed to uphold the principles of the licensing act in a voluntary, legal and responsible way despite being given appropriate advice on numerous occasions.

Information / Intelligence available to the Police suggests that this event has had a significant impact on certain members of the community, in such a way that it could lead to serious crime and/or disorder either in the immediate locality of Coco or towards the offenders or members of their community.

The Licensing Authority has worked on numerous occasions with the management of the venue to address breaches to the licensing act, and have found their reasonable requests and guidance met with reluctant and unsatisfactory attempts to address the issues.

The Expedited / Summary license review guidance as issued by the Department for Culture, Media and Sport (DCMS) in October 2007 gives guidance in relation to such matters. All other powers available have been visited. An expedited review is deemed necessary, for the following reasons:

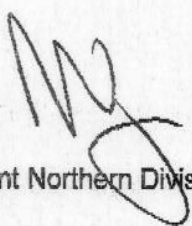
1. The serious nature of the offences committed in the early hours of Monday

morning - "the conduct constitutes an offence for which a person 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 or more years or the conduct involves the use of violence"

2. Obvious reluctance by the management to co-operate and engage effectively with the Licensing Authority.
3. Other serious breaches to the premises license have taken place recently - the performance of a lap dancing event against the advice given by the Police Licensing Officer and without a valid authorisation.
4. CCTV coverage at the venue is unsatisfactory and ineffective in protecting staff, customers and property despite recommendations from Police to update.
5. and information / intelligence exists to suggest there may be a continuance of the violence or disorder in reprisal to the initial incident

It is seriously believed that should the license be allowed to continue, without immediate review then there is a very real likely hood that more serious violence or disorder could occur.

I recommend that the Licensing Authority immediately suspend the Premises License for Coco until the outcome of the full review hearing.

Signature of applicant: 

Date: 23rd May 2012

Capacity: Superintendant Northern Division Cambridgeshire Constabulary

SUPERINTENDENT DAN VARTOVIC

Contact details for matters concerning this application:

Address: PC1572 Grahame Robinson, PCIT (Licensing), Thorpewood Police Station, Peterborough, PE3 6SD

Telephone number(s): 01733 424438

Email: grahame.robinson@cambs.pnn.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

ANNEX B

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder¹.

*Premises*²:

COCO, 11 - 13 Broadway, Peterborough, PE1 1SQ

Premises licence number (if known):

Peterborough City Council - 062413

Name of premises supervisor (if known):

Erjon Pjezergjokaj

I am a Superintendent³ in the Peterborough District of Cambridgeshire police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

At Coco on Wednesday 16th May 2012 between 20:00pm and 02:55am management at Coco's conducted a lap dancing event at the venue despite being given appropriate advice not to by the Police district licensing officer. The venue does not have the facility of performance of dance on the premises license, and have not disclosed during the initial license application in 2006 that they would intend to show such performances, which ultimately could be authorised by a temporary event notice. As a result of this activity the Police licensing Officer felt it necessary to prepare to submit an application to review the premises license through normal procedures. However, prior to taking this

¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be superintendent or above.

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

course of action a serious disorder took place at Coco on Monday 21st May 2012 at 02:45am, between customers and eventually involving staff.

As a result of this disorder two males were severely beaten and left unconscious in the road. One of those males remains at Addenbrookes Hospital in a coma with severe life threatening head injuries. Five males have subsequently been arrested as a result of this offence and have been remanded in custody. Staff at the venue, who were at the scene have not been arrested. CCTV evidence has been seized by the Police following the violent disorder and this suggests that alcohol sales continued beyond the 02:00am cessation of the licensable activity, and that those involved were extremely impaired through drink. CCTV installation and coverage is deemed unsatisfactory and in direct contradiction to conditions set out within the premises licence. The main CCTV camera covering the front of the bar and dance floor is obstructed by a chandelier. Images are blurred and sub standard despite a review and advice to upgrade the system in September last year.

This serious disorder, combined with the illegal unlicensed activity and a number of minor license breaches shows that the Premises license holder and the designated premises supervisor have failed to uphold the principles of the licensing act in a voluntary, legal and responsible way despite being given appropriate advice on numerous occasions.

Information / Intelligence available to the Police suggests that this event has had a significant impact on certain members of the community, in such a way that it could lead to serious crime and/or disorder either in the immediate locality of Coco or towards the offenders or members of their community.

The Licensing Authority has worked on numerous occasions with the management of the venue to address breaches to the licensing act, and have found their reasonable requests and guidance met with reluctant and unsatisfactory attempts to address the issues.

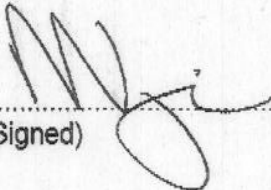
The Expedited / Summary license review guidance as issued by the Department for Culture, Media and Sport (DCMS) in October 2007 gives guidance in relation to such matters. All other powers available have been visited. An expedited review is deemed necessary, for the following reasons:

1. The serious nature of the offences committed in the early hours of Monday morning - "the conduct constitutes an offence for which a person 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 or more years or the conduct involves the use of violence"
2. Obvious reluctance by the management to co-operate and engage effectively with the Licensing Authority.
3. Other serious breaches to the premises license have taken place recently - the performance of a lap dancing event against the advice given by the Police Licensing Officer and without a valid authorisation.
4. CCTV coverage at the venue is unsatisfactory and ineffective in protecting staff, customers and property despite recommendations from Police to update.
5. and information / intelligence exists to suggest there may be a continuance

of the violence or disorder in reprisal to the initial incident

It is seriously believed that should the license be allowed to continue, without immediate review then there is a very real likely hood that more serious violence or disorder could occur.

I feel it necessary to ask the licensing authority to suspend the premises license of Coco with immediate effect until the outcome of the review hearing.


(Signed)

23rd May 2012
(Date)

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