

Ref: Coco 11 – 13 Broadway / License Reviews

Monday 11th June 2012

Teresa Martin
Regulatory Officer (Licensing)
Peterborough City Council
Bridge House
Peterborough
PE1 1HU



Dear Teresa,

Re: License Review – Coco, 11 – 13 Broadway, Peterborough – Supplementary Information.

On Thursday 24th May 2012 Superintendent Vajzovic, District Commander for Peterborough, Cambridgeshire Constabulary submitted an official application requesting the expedited review of the premises license for COCO, 11 – 13 Broadway, Peterborough, PE1 1SQ, following a very serious violent disorder which occurred at the premise at 02:45 hours on Monday 21st May 2012.

This application was accepted by the Licensing Committee who subsequently suspended the premises license of COCO. The license holder – Havana Leisure (Mr. Arfan Arif) – appealed against the decision of the Licensing Committee and an appeal hearing was set for Tuesday 29th May 2012.

On Tuesday 29th May 2012 an appeal hearing was heard in relation to the expedited review of Coco. Mr. Arif and his legal advisor gave their representation in relation to the information submitted by Cambridgeshire Constabulary. The decision of the Committee was to withdraw the license suspension completely and replace that action with a reduction in hours on the license and other conditions including making sure the CCTV at the venue was to the satisfaction of the licensing authority, and direct instruction to the license holder to work more closely with the Police and Licensing Authority to promote the Licensing objectives and ensure the conditions of the license are upheld.

In the initial representation the Constabulary identified to the Licensing Committee that a very serious GBH occurred outside the premises following on from a fight within Coco premises. It is evident from seized CCTV images from the venue that alcohol sales continued up to 02:17 hours, some 47 minutes after this activity should have ceased. The fight commenced within the venue and a catalogue of errors resulted in two males being kicked unconscious, with one remaining in hospital in a coma. It is very evident that the venue staff / customers ejected four violent males through the side fire exit leading onto Broadway, and safely secured themselves within the venue. However as a result of further violent action by one of the offenders against the fire door, most if not all the occupants of Coco are seen to burst out of the fire escape to confront the violent males not once but twice. In the final confrontation two males who were initially safe and secure within Coco are left badly injured with one fighting for his life. CCTV images also show the manager – believed to be Shane Gathercole - stood on the street holding a long straight object similar to a pipe in one hand and his belt in the other. It is believed that their actions had a causal and continuance impact on the event.

The Committee were also advised by the Constabulary that they were about to review the premises license of Coco following on from enquiries into an alleged illegal lap dance event, this despite being given appropriate advice not to by myself. It is believed that Coco management carried out an unlicensed licensable event at their venue on Wednesday 16th May 2012 whereby private lap dances were performed in Mr. Arif's private office, which is in the cellar of the venue, unmonitored by CCTV and watched by Shane Gathercole. Evidence secured from Facebook shows a female named 'Princess Mason' advertising the event, which was to take place at Coco on her Facebook account (see Annex A). A text message was received on my work mobile at 18:34 hours on 16th May 2012 from an unknown source from someone believed to be at Coco sending a message to someone else (see Annex B). Peterborough City Council CCTV shows very unusual activity at a closed door event at Coco. The door is locked but opened for casually dressed middle aged males attending at various times throughout the night whilst on their mobile phones. This being highly unusual activity that is out of character and not similar in any way to normal Coco activity – an early twenties dance club atmosphere.

In order to prove or disprove the allegations of unlicensed activity CCTV at Coco needed to be secured. At 11: 40 hours on Monday 28th May 2012 - at the conclusion of the Expedited review appeal hearing - I informed Arfan Arif that I would like to attend his premises and secure his CCTV hard drive as it was required for my enquiries into the alleged Lap dance event. I was told that this could not be done as he had child care issues. I then enquired with the designated premises supervisor Erjon Pjezergjokaj who replied the same. It was mutually agreed that they would be available for me to attend at 10:00 hours on Wednesday 30th May 2012 to secure the CCTV. However, 30 minutes later I was informed by Peterborough City Council CCTV that both the DPS and license holder had entered Coco. Sgt Saunders and I proceeded to Coco when we were told that both men had now left the premises and entered a restaurant on Fitzwilliam Street. CCTV of this event has been produced by PC Jason Smith who works within Peterborough City Council CCTV and is now produced as his exhibit JDS1. We parked near to Coco and waited for thirty minutes when we decided to enter the restaurant on Fitzwilliam Street. Sgt Saunders activated his body camera, secured evidence of the encounter and is now produced as his exhibit SAS1. Both Mr. Arif and Mr. Pjezergjokaj were sat at a table finishing off a large meal. It was explained to Mr. Arif why we were there and the fact that we needed to seize the CCTV from Coco. Eventually we accompanied both males to the venue where it took a further long heated discussion and obstruction before the CCTV was eventually seized and exhibited by Sgt Saunders as SAS2 . Further to this Arfan Arif was warned and cautioned by Sgt Saunders that he would be the subject of an investigation. This is also clear evidence that despite being directed by the Licensing Committee to work more closely with the Police and Licensing Authority to promote the licensing objectives and ensure the conditions of the license are upheld, Arfan Arif chose to ignore this and remain un co-operative and obstructive.

At about 14:00 hours on Monday 28th May 2012 I attended the Video Imaging Unit and spoke to the video imaging officer – Angela Adams. The CCTV HDD was inspected and it was established that images prior to 00:16 hours on Sunday 20th May 2012 had been deleted / removed / lost. Coco has a legal licensed requirement to record images for not less than 28 days. The drive was 26% full and only had recorded images from 00:16:02 hours Sunday 20th May 2012 to 10:12:11 hours on Tuesday 29th May 2012 (when seized roughly 9 days). It is of note that at 12:10 hours on Thursday 24th May (a week prior) I attended Coco with Darren Dolby Licensing Officer, Peterborough City Council and Shane Gathercole (manager) and the designated premises supervisor. Our purpose was to serve the expedited review notice and view CCTV images of the alleged lap dance event on Wednesday 16th May 2012. At this point in time I witnessed images / recordings of activity at Coco on Wednesday 16th May 2012. I instructed Mr. Arif to copy images from the HDD and contact me as soon as possible when this was completed. This was not done. We now find that potential evidence in relation to illegal activity at the venue is no longer readily available.

On Thursday 31th May 2012 at about 15:45 hours I attended Coco in company with Sgt

Saunders. The intention of our visit was to give clear instruction to Mr. Arif as to how to install his CCTV to the satisfaction of the Licensing Authority. Also present was Arfan's brother Umran Arif and a CCTV engineer. I gave several reasonable instructions to Mr. Arif. A further camera was requested to be placed covering the CCTV HDD to protect its integrity and prevent it from future compromise. This was met with severe objection to the extent that Mr. Arif would have 2 thousand members of the Asian community outside Thorpewood Police Station to object to this unreasonable request. Despite being over reasonable and describing the reasoning behind the request several times – Mr Arif did not want a CCTV camera in his personal office. He was given advice which included moving the HDD to a space on the first floor which was not his private space. Unfortunately the meeting had to be concluded as Mr. Arif was angry. Prior to leaving I spoke to the CCTV engineer and confirmed that he had details of my requirements so that he could remind Mr. Arif when he calmed down and the installation could take place. I also informed Arfan to call me as soon as possible so that I could inspect and sign off the CCTV. I immediately arranged with SGT Saunders to change my duty on Friday 1st June 2012 from an 0800 to 17:00 shift to a 12:00 to 20:00 shift to ensure that I was available to view and sign off CCTV should they encounter a problem which would delay them beyond 17:00 hours. We clearly showed willingness to be flexible and compromise over their eagerness to open.

At 16:45 hours on Friday 01st June 2012 I attended Coco in the company of Sgt Nicolson. Mr. Arif apologised for his conduct the day before and the CCTV was inspected. It was found to be to the satisfaction of the Licensing Authority, and the license objective had been met. The venue subsequently re-opened.

It is very clear from this and previous representation that the Responsible Authorities have had difficult times in trying to work with and help the license holder to maintain the principles of licensing and ensure the conditions of the license are upheld. The licensee had withdrawn from his business over the last few months handing over responsibility to Shane Gathercole. However the designated premises supervisor has been constantly in situ and being a personal license holder should know better in upholding the principles of licensing, and should it be proven that the lap dance event went ahead despite him receiving clear instruction not to progress I believe the DPS will have serious questions to answer. Prior to serving the expedited review Gathercole and Pjezergjokaj (DPS) attended Bayard Place with the sole intention of applying to transfer the premises license over to Gathercole. Mr. Arif has gave responsibility of his venue to an untested source, lost touch with his club and now finds himself trying to tread water in getting the venue back on track.

Whilst there are numerous option for the Committee to consider given the circumstances I would request that in the absence of any serious measures the following conditions are ultimately considered by the Licensing Committee and implemented onto the license without delay:

1. The sale of alcohol to cease at 00:00 hours (midnight)
2. The premises to close outright at 00:30 hours.
3. A minimum of two SIA registered doorman will be employed at all times after 21:00 hours on a Thursday, Friday and Saturday night, or when capacity is likely to exceed 100 people on any other day. They will be employed on the main access door and within the venue 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.
4. 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.
5. Door supervisors will maintain a record of booking off / on by recording their full name SIA badge number and company they are employed by, and making a full record of any incidents that they have dealt with. This record will be produced to an authorised officer upon demand.
6. A secure deposit box is to be kept on the premises for the retention of confiscated items and ensure that the Police are advised of any items which require safe desposal.
7. An authorised person will be available at all times whilst the premises are open to show / produce CCTV images to an authorised officer upon demand.
8. The Premises License holder shall register and ensure regular participation in the Peterborough Pub Watch / Nightsafe scheme.
9. The premises license holder or the designated premises supervisor must be on the premises at all times the venue is open for the sale of alcohol.
10. The emergency services must be contacted immediately if an incident happens whereby injury or threat of injury occurs or that is otherwise considered to be serious.
11. The license holder and DPS will work closely with the Police and Licensing Authority to promote the Licensing Objectives and ensure the conditions on the license are upheld.

These conditions are deemed necessary, proportionate and fair in assisting the licensee and designated premises supervisor meet their licensing objectives, and ultimately provide a safe environment for staff, property and customers.

Yours faithfully,

Grahame Robinson
Police Constable 1572
Licensing Officer
Northern Division
Cambridgeshire Constabulary
Tel: 0345 456 4564 Xtn:4438
Email: grahame.robinson@cambs.pnn.police.uk
Mobile: 07921095030