

Expedited Review - Appeal Against Interim Steps  
 Licensing Act 2003 Sub-Committee  
 held at the Town Hall, Peterborough on Tuesday 29 May 2012

**RECORD OF DECISION**

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| 1. Apologies for Absence   | There were no apologies for absence.  |
| 2. Declarations of Interest                                      | There were no declarations of interest.   |
| 3. Application   | Appeal against Expedited Review (interim steps taken) of Licence – Coco, 11-13 Broadway, Peterborough, PE1 1SQ  |
| 3.1 Application Reference  | 64353   |
| 3.2 Sub-Committee Members  | Councillor Thacker (Chairman)<br>Councillor Peach<br>Councillor Saltmarsh   |
| 3.3 Officers   | Darren Dolby, Regulatory Officer – Licensing<br>Colin Miles, Lawyer – Legal Advisor to the Sub-Committee<br>Alex Daynes, Senior Governance Officer – Clerk to the Sub-Committee   |
| 3.4 Applicant  | Mr Arfan Araf - Licensee  |
| 3.5 Nature of Application  | <p><b><u>Application Type</u></b></p> <p>Appeal against Expedited Review, interim steps taken, of existing premises licence.</p> <p><b><u>Summary of Appeal against Expedited Review, Interim Steps Taken, Application</u></b></p> <p>The Licensee, Mr Arfan Araf, had lodged an appeal against the decision of the Licensing Act 2003 Sub-Committee, made on 25 May 2012 by way of expedited review.</p> <p>The Sub-Committee had agreed that due to the serious nature of the incident that had taken place at the premises during the early hours of Monday 21 May 2012, the interim step of suspending the licence, pending a full review hearing, was warranted.</p> <p>The appeal was based on a number of grounds which were outlined in detail during Mr Araf's Solicitor's address to the Sub-Committee, detailed in section 3.9 of this record.</p> |
| 3.6 Licensing Objective(s) under which representations were made | 1. The Prevention of Crime and Disorder<br>2. The Promotion of Public Safety  |
| 3.7 Parties/Representatives and witnesses present                | <b><u>Applicant / Applicant's Representative</u></b>  |

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|  | <p>Mr Arfan Araf, the Licensee, was present and was represented by Mr Proctor, Solicitor.</p> <p><b><u>Responsible Authority</u></b></p> <p>PC Grahame Robinson was present on behalf of Cambridgeshire Constabulary, the relevant Responsible Authority.</p>   |
| <p>3.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters</p> | <p>There were no pre-hearing considerations or any decisions taken by the Sub-Committee relating to ancillary matters.</p>  |
| <p>3.9 Oral representations</p>  | <p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application.</p> <p><b><u>Applicant / Applicant's Representative</u></b></p> <p>Mr Proctor and Mr Arfan Araf addressed the Sub-Committee. Key points highlighted during Mr Proctor's address, and following questions from the Sub-Committee and the Responsible Authority, were as follows:</p> <ul style="list-style-type: none"> <li>• The serious incident had taken place outside of the premises on the street;</li> <li>• The necessary steps would be taken to ensure the Licensing Objectives were upheld going forward;</li> <li>• The interim steps which had been taken by the Sub-Committee were too harsh;</li> <li>• There were events planned during the next four weeks for which tickets had been sold. If the premises were closed for this time, the business would lose a considerable amount of revenue. It would also have severe ramifications for staff members;</li> <li>• Other allegations made against the premises were minor in nature;</li> <li>• The Licensee had worked alongside the Licensing Authority and the Police;</li> <li>• A scheduled lap dancing event had been cancelled following objections raised;</li> <li>• There were on average 50 to 60 people in the premises on a weekend night and there were always two doormen at weekends;</li> <li>• The CCTV system had been updated and all requests to provide CCTV footage to the Police had been complied with;</li> <li>• In the seven years that the premises had been in operation, there had been very few incidents;</li> <li>• Staff training was up to date and the Manager had been suspended following the incident that had occurred on Monday 21 May 2012.</li> </ul> <p><b><u>Responsible Authority – Cambridgeshire Constabulary</u></b></p> <p>PC Grahame Robinson addressed the Sub-Committee on behalf of Cambridgeshire Constabulary, the relevant Responsible Authority. The key points highlighted during his address and following questions from the Sub-Committee and the Applicant's Representative were as follows:</p> <ul style="list-style-type: none"> <li>• The fighting had started inside the venue and it had then continued outside;</li> <li>• The Designated Premises Supervisor and the Licence Holder had</li> </ul> |

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|   | <p>not been on the premises at the time of the incident;</p> <ul style="list-style-type: none"> <li>• Some of the males involved had been allowed to re-enter the premises;</li> <li>• There had been no call made to the Police by the premises. A call had been made by a local resident;</li> <li>• The sale of alcohol was permitted until 01.30am, not 02.00am;</li> <li>• The CCTV system clock was delayed by three hours and nine minutes;</li> <li>• After hours sales of alcohol had taken place at the premises;</li> <li>• The interim steps taken during the Expedited Review were necessary as the issues had started inside the premises;</li> <li>• The technical aspect of the CCTV system was good, however the cameras were only adequate and were not located in prime positions;</li> <li>• There had been two potential reviews on the premises in 2011, these had been averted by the implementation of additional conditions; and</li> <li>• A number of minor incidents were outlined including an underage event which had taken place and which had subsequently got out of hand.</li> </ul> <p><b><u>Summing Up</u></b></p> <p>Both parties were given the opportunity to summarise their submissions and there were no further comments made by either party.</p> |
| <p>3.10 Written representations and supplementary material taken into consideration</p> | <p><b><u>Applicant / Applicant’s Representative</u></b></p> <p>Consideration was given to the appeal letter submitted by Mr Arfan Araf, dated 24 May 2012, against the application to review the premises made by Cambridgeshire Constabulary.</p> <p><b><u>Responsible Authority – Cambridgeshire Constabulary</u></b></p> <p>Consideration was given to the application to review the premises licence, submitted by Cambridgeshire Constabulary as a Responsible Authority, dated 23 May 2012.</p>  |
| <p>3.11 Facts/Issues in dispute</p>   | <p><b><u>Issue 1</u></b></p> <p>Whether the Expedited Review, interim steps taken, against Coco by the Sub-Committee on 25 May 2012 were necessary and proportionate to support the ‘Prevention of Crime and Disorder’ Licensing Objective.</p> <p><b><u>Issue 2</u></b></p> <p>Whether the Expedited Review, interim steps taken, against Coco by the Sub-Committee on 25 May 2012 were necessary and proportionate to support the ‘Promotion of Public Safety’ Licensing Objective.</p> <p><b><u>Issue 3</u></b></p> <p>Whether the interim steps taken should be upheld, withdrawn or modified.</p>   |

4. Decision

**The Sub-Committee took account of the contents of the appeal letter received from Mr Araf and the application to review the premises licence submitted by Cambridgeshire Constabulary in their capacity as a Responsible Authority. The Sub-Committee found as follows:-**

The suspension of the licence was to be removed, 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 00.00am (midnight);
- The premises to close at 00.30 am;
- The emergency services be contacted immediately if an incident occurs that is considered to be serious; and
- The Licence Holder and Designated Premises Supervisor work more closely with the Police and Licensing Authority to promote the Licensing objectives and to ensure the conditions of the licence are upheld.

There was no right of appeal against the Licensing Authority's decision in this instance.

Chairman  
9.30am – 11.45am