

STATEMENT OF WITNESS

(Criminal Procedure Rules, r.27.1(1), Criminal Justice Act 1967, s.9, Magistrates' Court Act 1980, s.5B)

Statement of [REDACTED]

Age of witness – over 18

I am the above named person and I live [REDACTED] Lincoln Road, Peterborough, [REDACTED] which is one of a row of terraced houses [REDACTED] opposite the premises of 417 Lincoln Road known as Bora Bora Cafe.

This statement consisting of 2 pages is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false, or do not believe to be true.

In December 2011 the new Café/Bar Bora Bora opened up at 417 Lincoln Road. Just prior to them opening, following an article in the Evening Telegraph (brought to my attention when off work ill by friends and family) I had contacted the Licensing department and asked about the licensing hours and conditions as I was concerned that there would be a repeat of the problems that had occurred when the property operated under the name of Café Mo Sport. Being pregnant made me even more concerned as working full time I need the evenings and weekends to relax and recharge my batteries and our bedroom is situated at the front of our house directly across the road from the premises.

On the first weekend they were open we suffered noise from 7.30pm on Friday 2nd December when going to open our front door to see visitors out the door and handle were vibrating with the base of music from Bora Bora this music continued intermittently until at least 11.40pm which was the last time I looked at the time before falling asleep.

The same occurred regarding music intermittently throughout the evening on Saturday 3rd December until last time of looking and emailing from my phone was 11.34pm (I had fell asleep early in the evening then awoke again) this was followed by a heated discussion outside the premises at 12.20pm which woke me. I reported the noise problems to the Licensing Team at the City Council via email. Attached is my correspondence to the licensing team that I sent between 3rd December 2011 and 24 Dec 2011. Exhibit COMPA02

Then on Sunday 4th December I had reason to email yet again as at 3.30pm when in my rear living room above our television I could hear music from over the road each and every time their door opened. At first I wasn't sure if it was actually from there due to being able to hear it at the back of our house but going upstairs and looking out of bedroom window confirmed that it indeed was.

Signed [REDACTED] (witness)

Date 11-2 20.12

Continuation statement of [redacted]

After a number of evening and weekends of noise problems from the premises and several phone calls and emails to the licensing department I then reported the noise problems to Peterborough City Council Pollution Team. This report was made on the 17 December 2011. I was asked to complete log sheets detailing the extent and effect of the noise. Exhibit COMPA03.

The noise from the premises happens most weekends. The noise is a heavy dance music drumming base and occasionally vocals. Often we can hear the music in the rear living room one of the rooms furthest from the premises and in our main bedroom. On one occasion when I was soaking in the bath to try to alleviate a really bad back that kept me off work I could actually hear the music then and our bathroom is at the very back of our house upstairs. We cannot have our bedroom windows open as the music is just too loud.

It is a particular problem when the front door of the premises opens to let people in and out and whenever customers go outside the premises to smoke cigarettes as this means we get a full blast of loud dance music.

Sometimes as noted in my logs the music can actually be heard when the doors are closed. I would like to point out that our house is insulated and has double glazed doors and windows.

The following dates were the worst we have experienced as noted on my logs and emails.

- Friday 2nd December 2011
- Saturday 3rd December 2011
- Sunday 4th December 2011
- Friday 9th December 2011
- 22nd December 2011
- 30th December 2011
- 7th January 2012
- 14th January 2012
- 28th January 2012
- 30th January 2012

I had noise recording equipment installed in my property in the main bedroom between 19 January 2012 and 31 January 2012. During this time the premises was not open as often as it had been, however we were still subjected to blasting music on both weekends and once on a Monday night.

[redacted signature]
Signe [redacted] (witness)

Date 11 / 2 / 2012

Peterborough City Council

Case number: 063461/644876
Defendants Name: Bora Bora Cafe
Property: 417 Lincoln Road, Peterborough PE1 2PF

Exhibit
COMPA03

Signed 

Print... 

11/2/12.

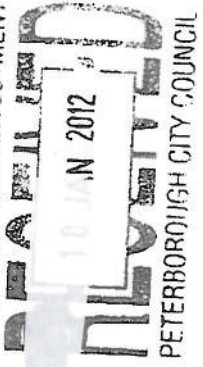
Peterborough City Council Nuisance Log Sheet

Complainant's Name: [redacted] Subject's Name: [redacted]

Complainant's Address: [redacted] Lincoln Road Peterborough PE1 2NA Subject's Address: 417 Lincoln Road, Peterborough, PE1 2PF NEIGHBOURHOOD INVESTMENT

Complainant's Telephone: [redacted] APP reference number: [redacted]

Please confirm if you are willing to provide a witness statement: Yes No
 Are you prepared to give live evidence in Court: Yes No



Date	Start Time	Finish Time	Nature of occurrence and source of nuisance	What effect did this have on you / your family	Details of any contact with subject
Example 24/08/06	9:30 pm	12.45am	Constant low Music from next door	Children and myself unable to sleep	Asked them to turn it down and they refused
17/12/11	10:20 pm	just before 11pm	thump of music each time door opened to let people in / out	[redacted]	[redacted]
18/12/11	9 pm	at least 10:30 pm	music to be heard above tv in our bedroom everytime door opened.	we were in our room to have peace in our bed room	[redacted]
22/12/11	7:50 pm		came home from my sisters. the door of 417 was wide open & music on.		
			as we got near our gate aft waiting for car someone came out & shut the door.		
22/12/11	9:40 pm		went up to read tv in bed & intermittent music to be heard whenever door opened.		
30/12/11	9:05	fell asleep	volume & increased amount of times as was went on.	had gone up to watch tv in bed as didn't	
			" " " " said it carried on, feel worse!! no roboting.		

Please complete and return to: Peterborough City Council, Neighbourhoods, Bayard Place, Broadway, Peterborough, PE1 1HZ. Tel: 01733 453571

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* our windows - shut!

**Peterborough City Council
Nuisance Log Sheet**

Complainant's Name: [Redacted] Subject's Name: BOBO BOBO

Complainant's Address: [Redacted] Lincoln Road, Peterborough, PE1 2NA Subject's Address: 417 Lincoln Road, Peterborough, PE1 2PF

Complainant's Telephone: [Redacted] APP reference number: [Redacted]

Please confirm if you are willing to provide a witness statement: Yes No

Are you prepared to give live evidence in Court: Yes No

Date	Start Time	Finish Time	Nature of occurrence and source of nuisance	What effect did this have on you / your family	Details of any contact with subject
Example 24/08/06	9:30 pm	12:45am	constant loud music from next door		asked them to turn it down and they refused
7/1/12	7:30 pm		MUSIC TO BE HEARD IN DOWNSTAIRS flat FM whilst hubby on skype	Children and myself unable to sleep	
7/1/12	8:25pm		MUSIC intermittently heard in back room after we TV. went to watch tv in bed music to be heard clearly in bedroom		
7/1/12	10:10 pm	After 11pm	11 few a/cup but hubby neighbour said went on talk fm v. loud music in our bedroom. safe doors are shut & I brief burst of music heard above the tv.		
9/1/12	8:40A		loud intermittent bursts of music till 11:30		
11/1/12	9:20				
13/1/12	10pm				

ATO

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**Peterborough City Council
Nuisance Log Sheet cont..**

Complainant's Name: [REDACTED]

APP reference number [REDACTED]

Date	Start Time	Finish Time	Nature of occurrence and source of nuisance	What effect did this have on you / your family	Details of any contact with subject
14/1/12	5:30 pm	11 pm	in back room on the phase corner near east beam of music - the music was not about but then went upstairs Some friends of female the road, lots of people outside - door opening closing. H got toys as well		
15/1/12	5:20 pm	5:25 pm	music above - twin track Pozam - also was hubby some name someone was parted outside in pos blocks. Parking waiting for someone and the parked asked them to move & they did so he could park intermittent music when watching TV upstairs		
	9 pm - 10 pm	10 pm			

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Peterborough City Council
Nuisance Log Sheet

Complainant's Name: [Redacted]
 Complainant's Address: [Redacted] Nicola Road
 Peterborough PE1 2AA

Subject's Name:
 Subject's Address:

Bar Bar
 NEIGHBOURHOOD INVESTMENT Rd
RECEIVED
 24 JAN 2012
 PETERBOROUGH CITY COUNCIL

APP reference number:

Yes No
 Yes No

Please confirm if you are willing to provide a witness statement:
 Are you prepared to give live evidence in Court:

Complainant's Telephone: [Redacted]

Date	Start Time	Finish Time	Nature of occurrence and source of nuisance	What effect did this have on you / your family	Details of any contact with subject
Example 24/08/06	9:30 pm	12:45am	Constant loud music from next door		Asked them to turn it down and they refused
20/1/12	9pm	10.20pm	intermittent music not heard as loud as last wknd but audible - tried to record - not easy as it was door open.	Children and myself unable to sleep	
21/1/12	5-	5.10	1 few also but neighbour said it continued thru after 11.30 in front room talking to neighbour & we said both hear the music!		
21/1/12	8.20	11pm	intermittent but lots frequent fire later on not as loud as last wk. lights and people visible during fire after 11.15		
22/1/12	6.30pm	6.35	heard faint boom of music in back room went upstairs to record both with windows shut & open.		

8.70

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Peterborough City Council
Nuisance Log Sheet cont..

Complainant's Name: APP reference number:

Date	Start Time	Finish Time	Nature of occurrence and source of nuisance	What effect did this have on you / your family	Details of any contact with subject
22/1/12	6.15	8.30	very loud music over with these other sheets to be heard in our bedroom as I wanted to go to bed in the - I recorded with our window shutters and after slightly.		

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 Peterborough City Council, Pollution Control Team, Bayard Place, Broadway, Peterborough, PE1 1FZ. Tel: 01733 453571 2

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Peterborough City Council
Nuisance Log Sheet

Complainant's Name: [Redacted]
Complainant's Address: [Redacted]

Lincoln Rd
Peterborough
PE1 2AA

Subject's Name: [Redacted]
Subject's Address: [Redacted]

Baro Boro
417 LINCOLN RD
PETERBOROUGH

Complainant's Telephone: [Redacted]

APP reference number:

NEIGHBOURHOOD INVESTMENT

RELEASED
02 FEB 2012
Details of any contact with subject

What effect did this have on your family
Children and myself unable to sleep

Please confirm if you are willing to provide a witness statement:
Are you prepared to give live evidence in Court: Yes (No) Yes (No)

Date	Start Time	Finish Time	Nature of occurrence and source of nuisance
Example 24/08/06	9:30 pm	12.45am	Constant loud music from next door
28/1/12	8:30		as hubby opened middle door to again faint rum we could hear music from our PTO road. I went upstairs to press button & record but may have been too late & was briefly burst. I had gone up to read & relax & spent a fair bit of time repeatedly recording music from over the road - I could hear it even when their doors were shut & I could hear it when it opened to let people in & out. I recorded with our window shut & other curtains slightly open.
28/1/12	9:30	11pm	I had gone up to bed early to relax - our glad it stopped but I had been closed mind - this a great when after party.

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PTO

not added just off 5pm
said this activity

Peterborough City Council
Nuisance Log Sheet cont..

APP reference number:

Complainant's Name:

Date	Start Time	Finish Time	Nature of occurrence and source of nuisance	What effect did this have on you / your family	Details of any contact with subject
30/1/12	6.50	7pm	Come into back room from kitchen - sat down - could hear an off music base but thought might be next door - the next week it is from 4/7 without doors or shut!! it was dark but had disco lights - Partners by stepped to back in - I did recordings with bedroom window open & shut - TA .	I hope it doesn't happen on our evenings as I am not feeling that great & will be having a bath & to bed very early	

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Peterborough City Council Nuisance Log Sheet

Complainant's Name: [redacted]
 Complainant's Address: 1 Lincoln Road
 Peterborough,
 PE1 2NA

Subject's Name: [redacted]
 Subject's Address: 417 Lincoln Road, Peterborough, PE1
 2PF

Complainant's Telephone: [redacted]

APP reference number: [redacted]

Please confirm if you are willing to provide a witness statement: Yes No (please circle)

Are you prepared to give live evidence in Court: Yes No (please circle)

Date	Start Time	Finish Time	Nature of occurrence and source of nuisance	What effect did this have on you / your family	Details of any contact with subject
Example 24/08/06	9:30 pm	12.45am	Constant loud Music from next door	Children and myself unable to sleep	Asked them to turn it down and they refused
3/2/12	9.45pm		music to be easily heard in bedroom esp as tv out 10 guitar interplay as door opened & shut	I went up to bed early as near a 1 year thing as sleep not long off 10 so don't know when it finishes	
4/12/12	10.15 pm		intermittent music again when the door opens & shut - above the tv.	few asleep u. quickly don't know what time it stopped.	

Please complete and return to:

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Peterborough City Council

Case number: 063461/644876
Defendants Name: Bora Bora Cafe
Property: 417 Lincoln Road, Peterborough PE1 2PF

Exhibit
COMPA02

Signec [redacted]

Print... [redacted]

11/2/12.



FAO Simon regarding 417 Lincoln Road

1 message

Sat, Dec 3, 2011 at 11:29 AM

to: en.licensing@peterborough.gov.uk

Hi

I rang you regarding the above property now called Boro Boro or however you spell it after the article in the Evening Telegrap

Sorry to bother you but could you just confirm for me opening hours, does the 6am-11pm still apply on weekends? And does all music have to be off at 11 even if they remain open later on a weekend?

They have blacked out all the front windows which made me smile when i first saw it..however I am writing because they were open last night, and i realised this when answering my front door to visitors between 730 and 8pm. The music thumping could be heard easily from my front door as people were entering their premises and you could feel the vibrations of the music!

As the evening went on I could faintly hear the thump of music when in my front room on the pc.this was through the closed door and window.. They may well have sound proofed the property but obviously didnt account for people coming and going which was one of the concerns i voiced to you when I called.

This was still happening when went to bed at last time i looked at the time before falling asleep at 11.40pm as our bedroom is at the front of the house. I am hoping it was a one off later night on account of just being opened. As i explained i go to bed early due to disturbed sleep anyway and having to work full time and my husband has to be up at 5am on 2weekly rota so hope this wont be a regular occurrence. I am glad that they had the hindsight to black out the windows as the flashing disco lights which were also visible when the door opens would no doubt have been a problem to up in the bedroom.

I am concerned that as they get more busy the noise will only escalate and especially with christmas coming up am sure they will be having relevant festivities which as a business i can understand why they would do so but they do need to be more aware of the fact how sound carries at night in a built up area..not only the noise of the music but also of the people outside the doors too.

Many thanks



So called cafe at lincoln road

1 message

Sat, Dec 3, 2011 at 11:37 PM

To: "eh.licensing@peterborough.gov.uk" <eh.licensing@peterborough.gov.uk>

Hi. I am writing again with regards to the premises known as boro boro at lincoln road. I am sending this from my phone and its a shame i cant have sound on it or you would be able to share in listening to the increased in volume from last night club music..our bedroom window is open very slightly as it is every night irrelevant if weather and even without the doors opening the sound of the thumping music is to be heard.the doors are being opened more frequently tonight and the noise from the door opening and from the people outside to me is an unacceptable level.during the afternoon the door was permanently open which was fine as no music on and i hope that in better weather they dont decide to do this throughout the evening too.. It is now 11.34pm and the music is still as loud as ever. On Monday i will also be contacting the neighbourhood policing team,im surprised that if they were aware of the opening that they didnt think to send anyone to check they were running as they should be.

Many thanks





Sunday afternoon and 417 lincoln road boro boro

1 message

Sun, Dec 4, 2011 at 3:54 PM

To: "eh.licensing@peterborough.gov.uk" <eh.licensing@peterborough.gov.uk>

Hi

It is 3.30 on sunday afternoon.i am in my back living room ironing and watching x.factor as i fell asleep watching it last night and above that i can intermittently hear the music from over the road when door is opend as people go in and out..last night at 12.20 there was a loud heated discussion between several men who when i got out of bed to look were all parkd up rgt outside that place with various very flash silver 4x4s and cars

The lady who lives 2 floors away and is. [redacted] came to see if i was ok as she can hear it in her living room too.

Im sorry for sending so many emails on a weekend

I have rang police on 101 and they said if i have reason to complain about the noise tonight aft 11pm to just ring them.

Manv thanks
[redacted]




Police visit

1 message

 **Mon, Dec 5, 2011 at 8:00 AM**
To: "eh.licensing@peterborough.gov.uk" <eh.licensing@peterborough.gov.uk>

Good morning

I went to bed last night at 10.15 to the sound of almost constant music from over the road.
I was counting down till 11pm when could ring police again. Amazingly at not long aft 11 it went quiet..i got up and went to window to see if it had actualy closed when saw a policeman go over the road.he walkd just past.then must haveheard music or people as turned.knockd the door and went in.i returned to bed and shrtly after heard people leaving.
Im hoping that the vjsit will be enough to sto a repeat performance next weekend or god forbid anytime during the week.
The stress last time was bad enough and to have that level of stress now  ould not be good..





[Redacted]

Fao.Darren Dolby re.417 lincoln road

1 message

Sat, Dec 10, 2011 at 8:12 PM

To: "en.licensing@peterborough.gov.uk" <en.licensing@peterborough.gov.uk>

Hi.

Well last night-friday wasn't nearly as bad as last week.we could still hear the music from 417 lincoln road in our house but not nearly as loud until later in the evening when i guess theres very little traffic to mask it. I did call 101at about 11.15 as the music was still loud in our bedroom and people in and out.it was logged under incident number 605 date 9 december.

I was so tired that then fell asleep.

I am upstairs tonight watching xfactor as hubby watching football downstairs and through closed window and above tv their music is easily heard on each occasion door is opened.

It was last saturday that they were open till 12.30 at least.so it will be interesting to see if they shut or stop music at 11 or soon after tonight.

I was much reassurd after i had rang you from work at lunchtime on thursday.

Many thanks

[Redacted]

<https://mail.google.com/mail/?ui=2&ik=72901863dc&ui=opt&search=...>



Re: Weekend ?

1 message

Mon, Dec 19, 2011 at 9:04 AM

To: Dolby Darren <darren.dolby@peterborough.gov.uk>

Hi again

sorry about that I was trying to drink my coffee and email from my phone at the same time. Saturday I was going to say was fine until I went up to bed at about 10.20 and between then and when I fell asleep each time their door opened I could hear the thump of the music-an improvement on last Saturday though when we could hear it in the back room. I fell asleep before 11 so I don't know if it stopped then.

Last night-Sunday-I went up at 9pm to watch Michael Buble and was rather disgruntled that I could once again hear the music every time their door opened! and above that I fell asleep shortly after that finished at 10.30 so I don't know how long it went on for but I could hear it throughout the whole programme.

Considering when my friends left mid afternoon yesterday we saw a nice big notice in their window announcing Sunday karaoke We actually got off lightly I think...

So in general a much better weekend. I see that they have now removed some of the black out windows which made me smile!

I will fill in the noise log that Dorothy sent from the notes I have on my phone [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

How did the weekend go, was there any problems at 417 ??

Thanks

Darren Dolby
Licensing Regulatory Officer
Operations Directorate
Bayard Place
Broadway



417 lincoln road-music and opening hours

1 message

Sat, Dec 24, 2011 at 12:16 PM

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

Hi

Darren Dolby passed on your email to me with regards to contact about the above address which i have the misfortune

I wasn't going to contact you over the festive holidays but as went out to the shop a while ago I saw that over the road had an official looking visitor outside on the phone and would like to think without sounding scrooge/grinch like it was one of your colleagues because to be honest yesterday evening as it went on they annoyed me more and more.

I am trying to get as much rest as i can over the holidays whilst off work and Im afraid that does mean I go to bed early. But i dont think that its unreasonable even though its before 11pm to be more than slightly miffed that through our shut windows and above the tv we could hear ever increasing and regularity of music from over the road.

I was asleep shortly after 11 and it had gone quieter literally just before then. However hubby said that when he came to bed later they was still open, and after talking to my friend a few doors away who like myself is keeping a noise log she also said that although the music wasn't as loud it definitely went on after 11 and made note of it.

On my log sheet i did note that on return from my sisters just before 8pm their door was wide open and music although not overly loud at that point could be heard. Funnily enough as we got out of the car and approached our front gate someone appeared and shut the door which made me smile-thinking to myself.too late ive clocked it! as I was told prior to them actually opening when i rang to voice my concerns that they were to have their doors and windows shut at all times!

Our computer is in our front room at front of the house and hubby said that prior to 11pm he could hear the music loud and clear even though he had skype headset on! Luckily I couldnt hear it until I went up to bed as we use the rear room of the house as our actual living room. This was an improvement as on previous weekends it has been easily heard in there as Im sure poor Darren who got the brunt of my emails has informed you.

It is the festive season but surely they still have to abide by their licencing hours..and should still be aware of the volume of noise at anytime of the day.

I know they are a priority on the CAN DO scheme so in some ways the more the holes they dig for themselves the better i guess.

Many thanks

Hope you dont have to work all over the festive time and sorry if i have sent this and you are on leave.

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