

Ref: 417 Lincoln Road / Licensed Premises

Thursday 09th February 2012

Darren Dolby
Regulatory Officer (Licensing)
Peterborough City Council
Bridge House
Peterborough
PE1 1HU



Dear Darren,

Re: Review Application – Bora Bora, 417 Lincoln Rd, Peterborough – Cambridgeshire Constabulary representation.

On 09th February 2012 Cambridgeshire Constabulary received notification from the Licensing Officers at Peterborough City Council of an application to review the premises license of Bora Bora, 417 Lincoln Road, Peterborough, PE1 2PF. The application has been submitted by Dorothy Pocock, Pollution Control Officer at Peterborough City Council. The review refers to 20 incidents of public nuisance related complaints concerning the playing of loud music reported by aggrieved local residents.

Cambridgeshire Constabulary wishes to make representation in support of Dorothy Pocock in relation to this review and ask the Committee to consider the following information.

Bora Bora, Premises License number 061965, is a café / coffee shop located at 417 Lincoln Road, Peterborough. The premises license holder is Bruno Silva of 308 Lincoln Road, Peterborough. The alleged Designated Premises Supervisor (DPS) is Robert Mulholland. The property is located within a residential area.

I would like to remind the committee that on 09th November 2011 Cambridge Constabulary took Bora Bora to review following Bruno Silva's application to extend the licensable hours of the bar to 04:00am on a Friday and Saturday. Information was that Mr. Silva was converting the premises into a night club and had no intention of running a café /coffee shop. I made representation in respect of the potential impact upon the residential community, what follows is an extract from that representation –

“I also believe that should the variation be granted then the quality of life for the local community will suffer. The premises is in a residential area with residents in very close proximity to the property. The applicant talks of sound proofing and an extension to the rear of the premises to take the impact away from Lincoln Road and the residential properties across the road. However, there are residential properties to the side and rear of this premises. In addition, there is likely to be a detrimental impact to local residents when clients would leave the premises at such late hours.

Extending the licensable area to include the rear of the property indicates that persons will congregate outside and ultimately bring some form of noise element with them. Potentially persons turned out onto the street at varying times through the night will have a severe and detrimental impact amongst those who live nearby. I believe this will quickly turn into a nuisance to the public and residents. The substance of the application indicates that there will be loud club music. Considering the residential position of the club this would be highly inappropriate and no amount of conditions would help the proprietor adhere to the principles of licensing”.

The Committee found in favour of the Police objection and the license extension was rejected. Since that time the Licensing authority has worked closely with Mr. Silva and given him the best possible advice in relation to his license and the premises. Mr. Silva has chosen to ignore any advice given by the Police or Council and has pressed ahead with converting Bora Bora into a night club. The venue does not have planning permission for this venture and I believe at the time of writing no application has been submitted for planning permission.

Whilst waiting for the premises license to be issued, and despite being given best advice against the TEN application Mr. Silva ignored this and submitted 4 temporary event notices for the following times –

- Friday 02nd & Saturday 03rd December 2011 – 09:00am to 02:00pm
- Sunday 04th December 2011 – 09:00am – 00:00pm
- Thu 08th December 2011 – 09:00am – 00:00pm
- Fri 09th & Sat 10th December 2011 – 09:00am – 02:00pm
- Sun 11th December 2011 09:00am – 00:00pm.

This resulted in myself making representation against the TEN applications. Mr. Silva eventually agreed to maintain the TEN until 23:00pm. On Friday 09th December 2011 at 23:30 hours Mr. Dolby from Peterborough Licensing Authority and I conducted an unannounced visit. I could clearly hear loud music coming from the venue despite the front door being closed. A check of the CCTV at the location revealed that bar staff were still serving customers alcohol at 23:30 hours – 30 minutes after his premises license allows him to serve. I have retained a copy of the CCTV as evidence which can be made available to view. As a result of this infringement I have had to task Police Officers to attend the venue every Friday and Saturday night to ensure compliance with the licensing act. No further breaches were reported. Ultimately it is not down to allocating Police resources to ensure compliance of a premises license, but for the license holder and a competent DPS to ensure compliance.

On Tuesday 07th February 2012 I attended Bora Bora in the company of Darren Dolby and Dorothy Pocock. Whilst at the premises I became concerned that every time I had visited the property I had never seen the DPS. Mr. Silva could not make contact with the DPS. He informed me that he did not have his phone number and could not answer me directly as to how he would contact him. He even suggested that the DPS only comes to the venue at ten o'clock at night. I made enquiries with Mr. Andrews from Peterborough County Council Licensing Authority and established a phone contact for the DPS. It was the same number as the phone which was in the possession of Bruno Silva. I reasonably believe that Mulholland does not have a day to day knowledge of the running of the business and as such not an appropriate DPS. At 15:38pm on 07th February 2012 I issued Bruno Silva with a Section 19 Closure Notice for the above reasons. On 08th February 2012 I had a phone conversation with Mr. Mulholland. It was established that he agreed to be Bruno Silva's DPS in November, until Silva had attained his personal license and then the DPS would change over. It appears that Silva told Mr. Mulholland that he had acquired his personal license. As such Mr.

Mulholland has nothing to do with Bora Bora and was therefore not a credible DPS.

Furthermore it was established that the venue has no land line telephone point installed and there was no mobile phone signal within the venue. This I believe is a clear and present risk to public safety. If there was to be an issue at the venue then a person would have to vacate the premises and wait outside for a phone signal before summoning assistance.

Cambridgeshire Constabulary supports the review application submitted by Dorothy Pocock and Peterborough City Council Pollution Control Team. It is clear to see that despite numerous warnings and constant advice Bruno Silva has not acted in best interests of the principles of licensing. It is evident that this premises and lack of proper control is causing a persistent public nuisance to local residents and the community.

Cambridgeshire Constabulary recommends to the Licensing Committee that 'Live and Recorded music is removed from the license'. In the interest of Public Safety where there is a license in place that a 'Landline telephone' be fitted within the premises in order to expedite calls for service should the need arise.

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

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