

DATE OF HEARING	9 November 2011	
PANEL MEMBERS	Councillor Dobbs (Chair) Councillor Benton Councillor Swift	
APPLICATION TYPE/REF	Variation MAU 062034	
APPLICANT	Mr Bruno Fernando Azevedo Silva	
ADDRESS	308 Lincoln Road, Peterborough, PE1 2ND	
PREMISES DETAILS	Bora Bora, 417 Lincoln Road, Peterborough, PE1 2PF	
APPLICANT HEARD	Yes	
APPLICANT REPRESENTED	Yes	
Mr Langford-Smith, 227 Park Road, Peterborough, PE1 2UL		
WITNESSES FOR APPLICANT	Yes	
Mr Pearson, Business Consultant		
THE FOUR LICENSING OBJECTIVES		
Prevention of crime and disorder	Public safety	
Prevention of public nuisance	Protection of children from harm	
LICENSING OBJECTIVES UNDER WHICH REPRESENTATIONS WERE MADE		
Prevention of crime and disorder		
Prevention of public nuisance		

**REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES
ATTENDING AND/OR INTENDING TO SPEAK**

NAME/DETAILS	ATTENDING	SPEAKING
Ms Iwona Wojszczyk (Pollution Control)	Yes	Yes
PC Grahame Robinson (Police)	Yes	Yes

The Sub-Committee has read the report and relevant material and listened to all the evidence and submissions. The sub-committee has also considered the national guidance and the council's statement of licensing policy.

FINDINGS OF FACT

The Sub-Committee finds the following facts:

- 1. The premises is located in a part residential part commercial area**
- 2. There already exists a high proportion of alcohol and noise related anti-social behaviour and crime in the area**

IRRELEVANT REPRESENTATIONS

The Sub-Committee considered the following to be irrelevant Representations:

- 1. The Sub-Committee did not take into account any planning issues**

DECISION MADE

**Variation of Premises
Licence**

The Sub-Committee has considered the relevant representations made today and previously submitted in line with the two licensing objectives.

Our Decision therefore is:

To refuse the application for variation as applied for, save as to remove condition 11 and replace it with the following:

- No alcohol to be sold in open bottles or other open vessels for use off the premises.

Reasons for decision:

The Sub-Committee felt that the additional hours for the licensable activities would further adversely affect the amenity of the area and cause further disturbance to the immediate residents and the community at large.

ADDITIONAL CONDITIONS ATTACHED *(if any)*

1. *Conditions set out in the operating schedule (as amended or otherwise)*
2. *Additional conditions (if any) proposed by responsible authorities*
3. *Additional conditions proposed by applicant*
4. *Additional conditions arising from issues considered by the sub-committee in respect of any relevant representations*
5. *Any further conditions considered necessary for the promotion of the Licensing Objectives*

1. To amend condition 11 to read:

11. No alcohol to be sold in open bottles or other open vessels for use off the premises.

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

In view of the findings of fact, the Sub-Committee was satisfied on a balance of probability and considering all the circumstances, that the requested variation would create public nuisance, and increase crime and disorder.

SECTIONS OF THE NATIONAL GUIDANCE AND THE COUNCIL'S STATEMENT OF LICENSING POLICY REFERRED TO IN THE COMMITTEE'S DECISION:

Council's Statement of Licensing Policy

- Objectives, section 4 on Page 8
- Fundamental Principles, section 6 on Page 9
- Licensing Hours, section 8 on Page 12
- Other Legislation, section 10 on Page 14
- Licence Conditions, section 13 on Page 16 and 17
- Delegation / Decision Making / Administration, Section 16 on page 18 and 19

Guidance Issued under Section 182 of the Licensing Act 2003

- The Licensing Objectives, section 2 pages 18 to 25
- Determining applications, section 9 Pages 78 to 81
- Conditions attached to premises licences, section 10 pages 83 to 96
- Pools of conditions, Annex D page 133 to 149

LEGAL ADVICE GIVEN DURING DELIBERATION

None.

CRIME AND DISORDER ACT 1998	Were there any implications under this Act? If so give details
<i>Section 17 imposes a duty to have due regard to the likely effect of the exercise of its functions and to do all it can to prevent crime and disorder.</i>	
Human Rights Act 1998	How were the following articles considered
Article 1 – <i>Every person is entitled to the peaceful enjoyment of his possessions.</i>	The committee read the report and relevant material and listened to the evidence and submissions. The national guidance and the Council’s statement of Licensing Policy were also considered.
Article 6 – <i>Everyone is entitled to a fair trial</i>	The committee read the report and relevant material and listened to the evidence and submissions. The national guidance and the Council’s statement of Licensing Policy were also considered.
Article 8 – <i>Everyone has the right to respect for his private and family life, his home and his correspondence.</i>	The committee read the report and relevant material and listened to the evidence and submissions. The national guidance and the Council’s statement of Licensing Policy were also considered.
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The applicant, together with relevant authorities and interested parties who made representations, has the right to appeal against this determination. There is a period of 21 days from the notification of this decision to commence an appeal by giving notice to the Justices’ Chief Executive for the Magistrates’ Court. Details will be sent to the relevant parties with the written notice of this decision forthwith.