

LC1

PETERBOROUGH



**Peterborough City Council, Licensing Section, Bridge House,  
Town Bridge, Peterborough, PE1 1HU**

**Application for the review of a premises licence or club  
premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Dorothy Pocock, Pollution Control Officer apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

**Part 1 - Premises or club premises details**

<b>Postal address of premises or club premises, or if none, ordnance survey map reference or description</b>	
Bora Bora 417 Lincoln Road	
<b>Post town</b> Peterborough	<b>Post code (if known)</b> PE1 2PF

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Bruno Fernando Azeved Silva
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<b>Number of premises licence or club premises certificate (if known)</b> 061900
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**Part 2 - Applicant details**

Please tick  yes

I am

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Mr  Mrs  Miss

Other title

(for example, Rev)

**Surname**

**First names**

Please tick  yes

I am 18 years old or over

**Current address**

**Post Town**

**Postcode**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address
Telephone number (if any)
E-mail (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Miss Dorothy Pocock Pollution Control Officer Neighbourhoods Peterborough City Council Bayard Place Broadway Peterborough PE1 1HZ
Telephone number (if any) 01733 453521
E-mail (optional) Dorothy.pocock@peterborough.gov.uk

**This application to review relates to the following  
licensing objective(s)**

- Please tick one or more  
boxes
- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note1)

The Pollution Control team are requesting a review of the premises licence for Bora Bora Bar at 417 Lincoln Road, Peterborough under the Prevention of public nuisance objective.

The Pollution Control Team have been investigating the premise under the Environmental Protection Act 1990 for allegations that a noise nuisance exists at a residential properties on Lincoln Road, Peterborough.

The investigation has provided evidence that a noise problem exists and has the likelihood to reoccur. This conclusion has been established through the collection of evidence from sound monitoring equipment, witness statements, and log sheets.

The premises licence holder was informed about complaints via letters posted on 13 December 2012, and a subsequent letter on 10 January 2012.

Police and Licensing Officer's attended the premises on the 9 December 2011 at approximately 23.40hrs. The officers witnessed noise from amplified music emanating from the premises and serving of alcohol after 11pm. This is in breach of their licence conditions. The premises were warned about the noise and the breach of conditions.

The opinion of Pollution Control Team is that the building is inappropriately located and designed for the type of the activities that are undertaken in the cafe.

I therefore suggest that due to the continuing complaints and monitoring evidence undertaken, that Bora Bora at 417 Lincoln Road is in breach of conditions 34, 37 and 39 of the current licence.

#### 34. Public Nuisance

The premises license holder shall take all necessary steps to ensure that noise or vibration is not noticeable at the façade of any noise sensitive premises.

#### 37. Public Nuisance

Any request by an authorised officer of the Council in relation to reducing noise levels shall be complied with.

#### 39. Public Nuisance

A person nominated by the premises licence holder shall be responsible for monitoring noise levels and instructed to implement changes in noise levels in accordance with any request by an authorised officer of the Council immediately and ensure that volume is maintained at the reduced level.

Due to continued breach of the noise abatement notice and non-compliance of licence conditions it is therefore recommended that, since activities can not be controlled through the use of conditions that live and recorded music is removed from the licence.

#### Recommendations

- To remove live and recorded music from the licence

Please provide as much information as possible to support the application (please read guidance note 2)

Since the initial complaint made on the 13 December 2012 we have received complaints about loud music on the following dates:

Date	Time from	Time until	Nature of noise
17/12/11	22.20	23.00	Loud music each time door to premises was opened
18/12/11	21.00	22.30	Music audible above TV in bedroom each time door at premises opened
22/12/11	19.50	UK	Door to 417 wide open and music on. When got to front door someone came out to shut the premises door
22/12/11	21.40	UK	Intermittent music audible when premises door opened
30/12/11	21.05	23.00	Intermittent music audible when premises door opened
07/01/12	19.30	NA	Music audible in downstairs in rear living room.
07/01/12	20.25	NA	Music audible over TV in rear living room
07/01/12	22.10	23.00 plus	Music clearly audible in bedroom
09/01/12	20.40	UK	Very loud music in bedroom. Premises doors are shut
11/01/12	21.20	UK	Brief burst of very loud music hear above television
13/01/12	22.00	22.30	Loud intermittent bursts of music
14/01/12	17.30	23.00	Loud base thump audible in rear living room. Loud music heard in bedroom. Large number of people outside the premises and door continually opening and closing.
15/01/12	17.20	17.25	Music audible above television in rear living room.
15/01/12	21.00	22.00	Intermittent music audible when watching television in bedroom
20/01/12	21.00	22.20	Intermittent music slightly audible. Noise recordings made
21/01/12	17.00	23.00	Intermittent music audible. Noise recordings made
22/01/12	17.30	17.35	Music audible early on but after 18.15 music much louder until 20.30. Noise recordings made
28/01/12	20.30	20.35	Brief burst of loud music. Recording made
28/01/12	21.30	23.00	Music audible when their doors were shut. Louder when doors open. Recording made.
30/01/12	18.50	19.00	Loud music. Premises appeared to be shut. Recordings made.

Noise recording equipment has been installed in one of the complainants' properties between 19 January 2012 and 31 January 2012. A number of noise recordings were made that demonstrate the breach of licence conditions. A CD and list are submitted as supporting evidence DP01.

Please tick **yes**

Have you made an application for review relating to this premises before

If yes please state the date of that application  
Month      Year      Day

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**If you have made representations before relating to this premises please state what they were and when you made them**

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 - Signatures** (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature *[Handwritten Signature]*

Date *7th February 2012*

Capacity *Responsible Authority*

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

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Large block of faint, illegible text in the middle section, possibly containing a list or detailed notes.

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Peterborough City Council, Pollution Control, Neighbourhoods, Bayard Place,  
Broadway, Peterborough PE1 1HZ

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Supporting Evidence DP01

Noise recordings of 417 Bora Bora, Lincoln Road, Peterborough

The noise recording equipment was placed in the complainant's bedroom. Each noise recordings are just over 1minute in length. These are selection of all the recordings taken over the period the monitoring equipment was installed.

Track number	Date	Day	Start time (24hr)	Type of noise
01	21/01/12	Saturday	22.20	Loud base dance music
02	21/01/12	Saturday	22.21	Thumping dance music
03	21/01/12	Saturday	22.36	Thumping dance music
04	21/01/12	Saturday	22.37	Thumping dance music
05	22/01/12	Sunday	17.30	Loud thumping base music that pulses louder
06	22/01/12	Sunday	17.59	Thumping club music
07	22/01/12	Sunday	19.28	Loud dance music
08	22/01/12	Sunday	19.29	Loud dance music
09	22/01/12	Sunday	19.34	Loud dance music
10	28/01/12	Saturday	21.23	Thumping base music
11	28/01/12	Saturday	22.36	Dance music
12	28/01/12	Saturday	22.39	Heavy dance beat
13	28/01/12	Saturday	22.49	Heavy dance music
14	30/01/12	Monday	18.54	Very loud dance music
15	30/01/12	Monday	18.59	Loud dance music

Signed  .....

Print. DOROTHY POCOCK .....

Date 7<sup>th</sup> February 2012 .....

Table with 4 columns: Name, Address, City, State. The text is extremely faint and illegible.