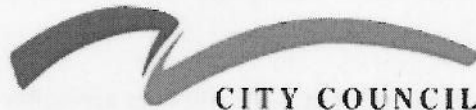


PETERBOROUGH



CITY COUNCIL

Licensing, 4th Floor Bayard Place, Broadway, Peterborough, PE1 1HZ

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 Mr Richard Bowler, Pollution Control Officer

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below(delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Marisqueira 62 Cromwell Road Millfield	
Post town Peterborough	Post code (if known) PE1 2EG

Name of premises licence holder or club holding club premises certificate (if known) Mr Paulo Manuel De Freitas Pedro

Number of premises licence or club premises certificate (if known) 065585

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

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)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

**Mr Richard Bowler
Pollution Control Team
Peterborough City Council
Broadway
Peterborough
PE1 1HZ**

Telephone number (if any)

01733 453497

E-mail address (optional)

richard.bowler@peterborough.gov.uk

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

Please state the ground(s) for review (please read guidance note 2)

The Pollution Control Team has been investigating this premise under the Environmental Protection Act 1990 for allegations that a statutory nuisance caused by noise from the premises exists at a neighbouring property on Cromwell Road, Peterborough.

The complaint specifically related to loud amplified music played on a weekend, particularly on a Friday and Saturday evening.

The investigation has involved the collection of diary sheets, witness statements and noise recordings.

Having examined this evidence, this department is satisfied that a statutory nuisance does exist and is likely to recur as a result of the activities of the premise. The diary sheets make repeated reference to late night and early morning noise between the hours of 20:00 hrs and 01:30 hrs. The noise recordings gathered confirm that very loud music is played during this period.

Letters were sent to the premise on 16 April 2013 and 21 May 2013 in order to make the premises licence holder (PLH) and designated premises supervisor (DPS) aware of the complaints and to provide an opportunity to address the matter.

The second letter was addressed specifically to Miss Ivone Coelho who at that time was understood to be the DPS and to have responsibility for the day-to-day running of the business. This letter was followed by a joint visit by Darren Dolby, Licensing team and myself on 29 May 2013 to discuss the issues in detail and provide advice on how the problem could be solved. We met Miss Coelho on site.

Unfortunately, despite these attempts to address the problem informally, this department continued to receive complaints and Noise Monitoring Equipment was installed in the complainant's property on 5 July 2013 for a period covering two weekends.

The Police also received calls for service regarding noise from the premise during the period that Noise Monitoring Equipment was installed.

The equipment has also been reinstalled over this last weekend (19 – 21 July 2013). Monitoring will continue.

The Pollution Control Team believe that the premises is in breach of Condition 16 of the premises licence:

All music noise and amplified music or speech emitted from the premises shall not be audible inside noise sensitive premises between 23:00 hrs and 07:00 hrs.

We would also suggest that there have been breaches of the licensed hours and also of condition 15:

All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.

The latter is the subject of complaints to the police and is a repeated complaint voiced by residents.

Pollution Control therefore recommends the following course of action:

The removal of all provision for the playing of live or recorded music, amplified or unamplified, from the premises licence. This includes music qualifying for deregulation under the Live Music Act 2012.

The restriction of licensable hours to an end time of 21:00.

Please provide as much information as possible to support the application (please read guidance note 3)

Please see documents submitted with this application. These are as follows:

Copy of Diary sheets submitted by Complainant One (anonymised);

Copy of Witness Statements from household of Complainant One (anonymised);

A copy of the noise recordings made on the weekends of 5 – 7 and 12 – 14 July 2013.

Please tick ✓ yes

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

If yes please state the date of that application

Day Month Year

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

None made.

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 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature R. Bowler

Date 22/7/13

Capacity POLLUTION CONTROL OFFICER - RESPONSIBLE AUTHORITY

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) See previous details.	
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. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Continuation statement of [redacted]

The letter asked me to complete and return a log sheet which I did, returning this to the Council on 20 May 2013.

I then received a second letter from the Council dated 21 May 2013 which asked me to continue completing log sheets and to make contact with the Pollution Control team to discuss monitoring of the noise nuisance I was experiencing.

I returned this log sheet to the Council on 12 June 2013 and received a phone call from Richard Bowler, Pollution Control Officer, on 18 June 2013. During this call, Mr Bowler explained that he had visited Marisqueira to speak with the management about the noise but this had not altered the nuisance I was experiencing. We agreed that I would have noise monitoring equipment installed at my property on 5 July 2013. We also agreed I would take responsibility for the complaint as the head of the family.

Miss Ainaso Marica visited me on that date to install the equipment and explain its operation. I received a subsequent letter from the Council dated 8 July 2013 to tell me that the equipment would be collected on 15 July 2013.

I then received a telephone call from Mr Bowler on 17 July 2013 to tell me that he had assessed my recordings and felt that formal action would be necessary. I agreed that he could visit me the following day 18 July 2013 to re-install the noise monitoring equipment and take this statement from me.

I currently work on the night shift for [redacted] so although I am spared the worst effects of the noise, I have been present when it is a problem and did make use of the monitoring equipment on 7 July 2013. I feel that it is unnecessary and a menace to the whole area.

Signed . [redacted] (witness)

Date19.....7.....20.13.....

Continuation statement of [redacted]

My mother, my two sisters and my brother-in-law who live with me are unable to even think about sleeping on nights when music is played until the noise is switched off. This also affects me on my nights off and it can be as late as 01:30am before the noise does stop. My family is suffering as a result of the noise they are subjected to, particularly my elderly mother.

I do not believe that there is a need for a property operating in this way to be in our area which is a residential street. I have witnessed patrons of the premise drinking alcohol in the streets. This is intimidating and often leads to fights/disturbances in the neighbourhood. My preference would be for no music to be allowed after 9pm. I wholeheartedly support any action taken by the Pollution Control team in order to resolve this problem.

Signed . [redacted] (witness)

Date 19 7 2013

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 at number [redacted] Millfield,
Peterborough, PE1 2EG.

This statement consisting of 1 page 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.

I live at the above address with my brother [redacted], my sister, my brother-in-law and my mother. We regularly experience loud music noise over the weekend and this can often continue into the early morning, as late as 01:30. I am aware that my brother has made a complaint to Peterborough City Council's Pollution Control team and that noise monitoring equipment has been installed in our property.

It is not possible to sleep until the music is switched off. As a result, I feel that my work is affected. I work for [redacted], a clothing shop in Peterborough City Centre, and I am regularly tired at work as a result of my lack of sleep and rest over the weekend. I am also currently learning to drive and as my lessons must happen when I am not at work, the lack of rest also affects my concentration during these lessons which is prolonging the process.

I do not feel that the loud noise to which my family and I are subjected is necessary and I support any action taken by the Pollution Control Team at Peterborough City Council in order to resolve this problem.

Signed [redacted] (witness)

Date 19/7/13 20.....

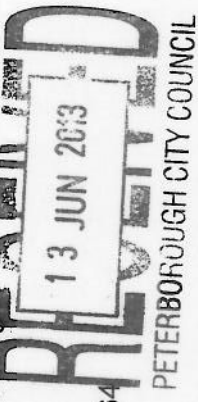
**Peterborough City Council
Nuisance Log Sheet**

Scanned

Complainant's Name:
Complainant's Address:

Subject's Name:
Subject's Address:

62 Cromwell Road, Millfield
Peterborough



Complainant's Telephone:

APP reference number: 667164

Please confirm if you are willing to provide a witness statement:

Yes No

Are you prepared to give live evidence in Court:

Yes No

DECLARATION: The information on this log sheet is true to the best of my knowledge and belief and I provide 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. Signed:

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
24/05/13	9:00 pm	01:00 am	Constant loud music next door from	Mum and Sisters unable to sleep	No Contact
25/05/13	10:15 pm	12:30 am	Constant loud music from next door	me, mum and sisters unable to sleep	No Contact
1/06/13	10:35 pm	12:30 am	Constant loud music from next door	me, mum and sister unable to sleep	No Contact
8/06/13	10:30 pm	12:30 am	Constant loud music from next door	Mum and Sisters unable to sleep	No Contact

Please complete and return to:

Peterborough City Council, Neighbourhoods, Bayard Place, Broadway, Peterborough, PE1 1HZ. Tel: 01733 453571



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