



Date: 25/08/2017
Ask For: Emily Kennedy
Direct Dial: (01843) 577046
Email: emily.kennedy@thanet.gov.uk

LICENSING SUB COMMITTEE

5 SEPTEMBER 2017

A meeting of the Licensing Sub Committee will be held at **10.00 am on Tuesday, 5 September 2017** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillors: Matterface, Tomlinson and Crow-Brown

A G E N D A

Item
No

Subject

1. **ELECTION OF CHAIRMAN**
2. **APOLOGIES FOR ABSENCE**
3. **DECLARATIONS OF INTEREST**

'To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest Form attached at the back of this Agenda. If a Member declares an interest, they should complete that form and hand it to the Officer clerking the meeting and then take the prescribed course of action.'

4. **APPLICATION FOR REVIEW OF PREMISES LICENCE - LITTLE ALBION INN, 40 ST PETERS ROAD, BROADSTAIRS** (Pages 3 - 82)

Declaration of Interests Form

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**APPLICATION FOR REVIEW OF PREMISES LICENCE –
LITTLE ALBION INN 40 ST PETERS ROAD
BROADSTAIRS**

Licensing Sub-Committee – 5th September 2017 at 10 a.m

Report Author **Jane Bennett Licensing Team Leader**

Portfolio Holder **Cllr Lin Fairbrass Community Services**

Status **For Decision**

Classification: **Unrestricted**

Ward: **St Peters**

Executive Summary:

To consider this application to review the premises licence made by Environmental Health.

Recommendation(s):

The instructions of the Sub-Committee are requested

CORPORATE IMPLICATIONS

Financial and Value for Money	None
Legal	<p>There is a right of appeal to a Magistrates' Court within 21 days of the date of the decision of the Licensing Sub-Committee.</p> <p>The Licensing Sub-Committee must pay proper attention to the applicant's rights under the provisions of the Human Rights Act 1998, which gives further effect in the United Kingdom to the fundamental rights and freedoms contained in the European Convention on Human Rights. The Licensing Sub-Committee must have proper regard to the rights of the individual applicant when making decisions that affect them. However, it also has to have regard to the safety and protection of the public and therefore to ensure that the right balance is found and think hard about how it can cause the least possible harm to individuals, bearing in mind its duty to ensure the protection of the public.</p>
Corporate	None.
Equalities Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p>

1.0 Introduction and Background

- 1.1 An application has been received for the review of the premises licence held by Marcus John Hogg, in respect of the premises known as the Little Albion Inn, 40 St Peters Road, Broadstairs from Morgan Sproates, Environmental Protection Manager.
- 1.2 These premises were granted a premises licence in November 2005 having been previously licensed by the magistrates court. In December 2016 Marcus John Hogg became the licence holder and designated premises supervisor at the premises. A copy of the premises licence is appended at Annex 1.
- 1.3 Licensable activities are shown on that premises licence and the times can be found at Annex 1, together with the conditions attached to the licence.
- 1.4 The grounds for review of the licence are set out in the application, which is appended at Annex 2.

2.0 General Points

- 2.1 Applicants for review of a premises licence are required, as part of the licensing procedure, to send copies of the application to other responsible authorities. The Licensing Authority must advertise the review for twenty eight days, giving interested parties the opportunity to make representations. Representations have been received from four members of the public in support of the premises which are appended at Annex 3. Six members of the public have made representations against the premises which are appended at Annex 4. No further representations have been received. The application was advertised by notice on the premises and on the public notice board in the Gateway, the main Council Offices.
- 2.2 Before determining the application, the Licensing Authority must hold a hearing to consider it and any relevant representations. The Authority must, having regard to the application and any relevant representations, take such steps, if any, mentioned under 'options' at paragraph 3, it considers appropriate for the promotion of the licensing objectives. The Guidance issued by the Home Office should also be considered.
- 2.3 The licensing objectives are the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm. Reasons must be given for any decision made by the Sub-Committee.

3.0 Options

- 3.1 To modify the conditions of the licence (for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added).
- 3.2 To exclude a licensable activity from the scope of the licence.
- 3.3 To remove the designated premises supervisor.
- 3.4 To suspend the licence for a period not exceeding three months.
- 3.5 To revoke the licence.
- 3.6 To take none of these steps and take no action, or, take informal action such as a warning or guidance.

Agenda Item 4

Contact Officer:	Jane Bennett, Licensing Team Leader, ext 57413
Reporting to:	Penny Button, Head of Neighbourhood Services, ext 57425

Annex List

<i>Annex 1</i>	<i>Premises licence</i>
<i>Annex 2</i>	<i>Review application</i>
<i>Annex 3</i>	<i>Letters in support of the premises</i>
<i>Annex 4</i>	<i>Letters against the premises</i>

Background Papers

Title	Details of where to access copy
N/A	

Corporate Consultation

Finance	N/A
Legal	N/A



**Thanet District Council
Part A
Premises Licence**

Premises licence number

LN/200501268

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
The Little Albion Inn 40 St Peters Road	
Post town Broadstairs, Kent	Post code CT10 2AP
Telephone number 01843 [REDACTED]	

Where the licence is time limited the dates
None

Licensable activities authorised by the licence
<ol style="list-style-type: none"> 1) Films (indoors) 2) Indoor sporting events 3) Live music (indoors) 4) Recorded music (indoors), anything of a similar description (indoors), making music (indoors), facilities for dancing (indoors) 5) Late night refreshment (indoors) 6) Supply of alcohol (on and off the premises)

The times the licence authorises the carrying out of licensable activities
<ol style="list-style-type: none"> 1) Sun – Thurs 7am to 1am, Fri – Sat 7am to 2am, Non-standard timings as at 6) 2) Sun – Thurs 10am to 1am, Fri – Sat 10am to 2am, Non-standard timings as at 6) 3) 10am to midnight – daily, New Year’s Eve – 10am to 2am 4) Sun – Thurs 10am to midnight, Fri – Sat 10am to 1am Non-standard timings at 6) until 1am save for making music extends to 2am New Year’s Eve 5) Sun – Thurs 11pm to 1am, Fri – Sat 11pm to 2am Bank Holiday Sundays, New Year’s Eve/Day, St Patrick’s Day, St George’s Day, Christmas Eve, Boxing Day until 2am 6) Sun – Thurs 7am to midnight, Fri – Sat 7am to 1am New Year’s Day extended to midnight or 1am dependant on day of week above. Bank Holiday Sunday, Christmas Eve, Boxing Day, St Patrick’s Day and St George’s Day until 1am if these days fall on days other than Friday and Saturdays

The opening hours of the premises

Sun – Thurs 7am to 1am, Fri – Sat 7am to 2am
2am closing on non-standard days as in 6) above

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On and off subject to mandatory conditions

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Marcus John Hogg
40 St Peters Road, Broadstairs, Kent CT10 2AP
01843 [REDACTED]

Registered number of holder, for example company number, charity number (where applicable)

Not Applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Marcus John Hogg
40 St Peters Road, Broadstairs, Kent CT10 2AP
01843 [REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

LN [REDACTED]

Thanet District Council

Issued on the 20 December 2016

To commence on the 24 November 2005

Regulatory Services Manager _____

Annex 1 – Mandatory conditions

No supply of alcohol may be made under the premises licence: -

At a time when there is no designated premises supervisor in respect of the premises licence, or

At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

4. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

5. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) For the purposes of the condition set out in paragraph 1 –

a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

where -

- i. P is the permitted price,
- ii. D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –

- i. The holder of the premises licence,
- ii. The designated premises supervisor (if any) in respect of such a licence, or
- iii. The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or

officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

Films

The admission of children (persons under 18 years) to the exhibition of any film is restricted in accordance with any recommendation of the British Board of Film Classification (BBFC) or the Licensing Authority.

Where a film exhibition has not been classified, the licence holder will certify to the Licensing Authority that an assessment of the suitability of the film for exhibition to children, in accordance with the BBFC Guidelines has been carried out, and that this has been confirmed by the Licensing Authority, in writing, prior to public viewing.

Annex 2 – Conditions consistent with the operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing Authority

None

Annex 4 - Plans

Plans considered August 2005

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Morgan Sproates Environmental Protection Manager Environmental Health Cecil Street Margate Kent CT 9 1XZ
Telephone number (if any) 01843 [REDACTED]
E-mail address (optional) [REDACTED]@thanet.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 | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

In pursuit of prevention of public nuisance licensing objective; I make the following observations in support of the review in accordance with Section 51 of the Licensing Act 2003.

The premise licence was transferred to Marcus John Hogg on 20th December 2016.

A record of all noise complaints received by Environmental Health is attached in Annex 1. All three current complainants were given details of our Nuisance Control Service so they could have any further problems witnessed by Council Officers.

There has been an intermittent history of noise complaints from this premises since our records began but from April 2017 the number of complaints has significantly increased. All complaints concern loud music and noise from patrons congregating outside the premises. Although there is a micro-pub opposite the premises, the locality is predominantly residential with minimal separation distance from bedroom windows. The premises has seven large single glazed windows that do not offer significant noise reduction, there is no sound limiting device and the business currently benefits from live and recorded music until midnight daily, with recorded music extended until 1am at weekends.

Several letters were sent to the licence holder regarding the noise complaints; the letters and Officer Reports are presented in Annex 2. A warning was given by letter on 6th June following an incident witnessed on 2nd June. Despite this two further incidents were witnessed on 16th and 17th June.

No response was received from the Licence Holder.

Annex 2

On 20th June 2017 a noise Abatement Notice was served by hand on Marcus Hogg by Amanda Berry, Environmental Health Officer. Advice given in a previous letter dated 6th June about mitigation measures was reiterated. For information, an Abatement Notice must be served where the noise nuisance experienced by neighbour(s) is unreasonable and amounts to a Statutory Nuisance.

On 23rd June 2017 at 22:30hrs Officers from the Nuisance Control Service were again called to witness loud music and patron noise.

Another warning letter was sent on 26th June to the licence holder.

No response was received from the Licence Holder.

Officers were again called out on Saturday 1st July and could hear music within the complainant's bedroom at midnight. On 8th July Officers arrived at 22:10hrs and music levels were much reduced. However, a complainant sent in recorded video clips indicating significant patron and music noise between 22:30hrs and 23:45hrs.

Despite several warnings, including service of an Abatement Notice, noise complaints have continued.

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

A map showing the premise in relation to residential dwellings is attached in Annex 3.

As described above noise complaints have been made to Environmental Health and a Statutory Nuisance Abatement Notice has been served following warnings to the licence holder to mitigate the noise.

Given the history of problems that pre-date the current licence holder and the distance to residential properties Environmental Health do not support the premises having live music. The venue is simply is not suitable for live music given the proximity to residential and poor acoustic properties of large single glazed windows.

Consequently Environmental Health is seeking full revocation of live music and a reduction in recorded music, along with a condition requiring a sound limiting device to be fitted at levels set by EHOs.

We are also seeking to prevent drinks from being consumed outside so that patrons are less likely to linger and cause disturbance to neighbours.

We are concerned that the licence holder does not respond to letters and deal with the issues raised.

Agenda Item 4

Annex 2

Please tick yes

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

If yes please state the date of that application

Day Month Year

1									
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If you have made representations before relating to this premises please state what they were and when you made them

Ref	Dept	Task Desc	Date	Source Address	Details
WK/201730929	EH	CND - Noise-Commercial	10/07/2017	Sowell Street, Broadstairs, Kent, CT10 2AT	see scanned sheet
WK/201730203	EH	CND - Noise-Commercial	01/07/2017	Sowell Street, Broadstairs, Kent, CT10 2AT	See scanned OOH sheet
WK/201728659	EH	CND - Noise-Commercial	23/06/2017	Sowell Street, Broadstairs, Kent, CT10 2AT	OOH sheet
WK/201727739	EH	CNE - Noise-Sport/Leisure	17/06/2017	Upton Road, Broadstairs, Kent, CT10 2AS	OOH call
WK/201727744	EH	CND - Noise-Commercial	17/06/2017	Sowell Street, Broadstairs, Kent, CT10 2AT	OOH call
WK/201727736	EH	CNE - Noise-Sport/Leisure	16/06/2017	Upton Road, Broadstairs, Kent, CT10 2AS	OOH call
WK/201725125	EH	CNE - Noise-Sport/Leisure	02/06/2017	Upton Road, Broadstairs, Kent, CT10 2AS	See scanned out of hours sheet
WK/201725129	EH	CND - Noise-Commercial	02/06/2017	Sowell Street, Broadstairs, Kent, CT10 2AS	See scanned OOH sheet
WK/201723771	EH	CNE - Noise-Sport/Leisure	27/05/2017	Upton Road, Broadstairs, Kent, CT10 2AT	See scanned out of hours sheet
WK/201723382	EH	CND - Noise-Commercial	26/05/2017	Sowell Street, Broadstairs, Kent, CT10 2AS	Live music
WK/201721089	EH	CNE - Noise-Sport/Leisure	15/05/2017	Upton Road, Broadstairs, Kent, CT10 2AS	Amplified music/noise from patrons
WK/201713860	EH	CND - Noise-Commercial	02/04/2017	Sowell Street, Broadstairs, Kent, CT10 2AT	Constant noise as very loud music coming from The Little Albion pub, and at times, noise nuisance from amplified live music
WK/201649127	EH	CND - Noise-Commercial	31/10/2016	Upton Road, Broadstairs, Kent, CT10 2AS	Amplified music
WK/201636039	EH	CND - Noise-Commercial	02/08/2016	Sowell Street, Broadstairs, Kent, CT10 2AT	Amplified music
WK/201625491	EH	CND - Noise-Commercial	29/05/2016	Sowell Street, Broadstairs, Kent, CT10 2AT	Loud music from little Albion and customers swearing and shouting. Occurs every weekend, most Friday
WK/201441781	EH	CND - Noise-Commercial	21/07/2014	Sowell Street, Broadstairs, Kent, CT10 2AT	Very noisy on Saturday 19/07 with music playing until 1.45am and shouting until approx 3am.
WK/201441804	EH	CND - Noise-Commercial	19/07/2014	[REDACTED] St Peters Road, Broadstairs, Kent, CT10 2AT	Amplified music and noise from patrons
WK/200903399	EH	CND - Noise-Commercial	01/02/2009	Sowell Street, Broadstairs, Kent, CT10 2AT	amplified music
WK/200713437	EH	CND - Noise-Commercial	16/03/2007	[REDACTED] Sowell Street, Broadstairs, Kent, CT10 2AT	amplified music and shouting
WK/200307855	EH	CND - Noise-Commercial	25/07/2003	[REDACTED] St Peters Road, Broadstairs, Kent	amplified music with front doors open on 14th & 20th June
WK/200306807	EH	CND - Noise-Commercial	30/06/2003	[REDACTED] St. Peter's Rd, Broadstairs	

Time Spent

y's & every Saturday, plus some weeknights & any night with live music. Music finishes and 11:30 but shouting carries on to 2am.

Amanda Berry

From: Amanda Berry
Sent: 15 May 2017 14:52
To: Lisa Grossmith
Subject: FW: Little Albion Public House, 40 St Peter's Rd, Broadstairs CT10 2AP.

Hi Lisa

Can you add to M3 please & send complainant Ltr & logs only.
Thx

Kind regards

Amanda Berry
Environmental Health Officer
Environmental Health | Thanet District Council Offices | Cecil Street | Margate | Kent | CT9 1XZ

☎ 01843 577422

✉ amanda.berry@thanet.gov.uk

If you are interested in air quality please visit www.kentair.org for up to date information on latest pollution levels across the county.

From: TDC Environmental Health
Sent: 08 May 2017 16:09
To: Amanda Berry
Subject: FW: Little Albion Public House, 40 St Peter's Rd, Broadstairs CT10 2AP.

From: [redacted] [mailto:[redacted].co.uk]
Sent: 07 May 2017 10:51
To: TDC Environmental Health
Subject: Little Albion Public House, 40 St Peter's Rd, Broadstairs CT10 2AP.

Sir/madam

My name is [redacted], my partner and I live at [redacted] Upton Road, Broadstairs, (m [redacted]) about [redacted]m from the Little Albion Public House.

I have made complaints about the noise level generated at and by the Little Albion several times before but this weekend has been awful both in the loudness and duration of music and people kicking off outside the pub. Cars screeching up and pulling away wheel spinning, people shouting and screaming outside and what occasionally sounds like fighting. Friday night (5/5/2017) the music went on until 1.15am! We could hear the music thumping in our front room and master bedroom to the point where we cannot go to bed until it stops. The same happened last night, the music went off at 12.30am but there were people screaming and shouting outside until gone 1am. We really are getting sick of it. I phone them pretty much every Friday and Saturday night to ask them to turn it off/down and if it's very late (after 12.30am) they comply usually. If before 12.30am then I get "yea, yea, yea" but nothing happens. The other major issues is that they have a double doorway that is constantly left open which lets out the noise.

Agenda Item 4

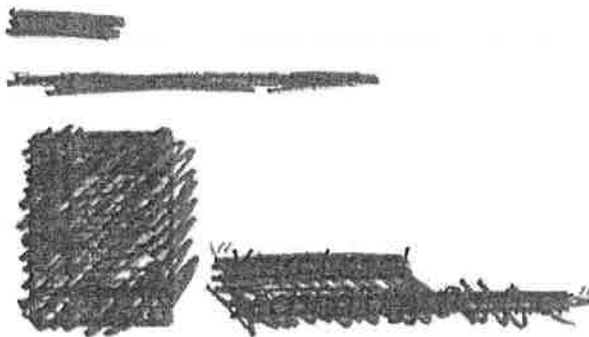
Annex 2

I won't even go into the problem of broken glass and bottles left on the pavement and road outside and around the pub, this is to the point we won't walk our dog past the pub because of it.

Can you please take this complaint seriously? There's no point filling out a sheet because it's every Friday/Saturday night and has been this way for months. If they have a party night or birthday occasionally during the week the same thing happens.

Can I also have a copy of their licence and conditions please?

Kind Regards,



Tel: +44 (0) [REDACTED]
Mob: +[REDACTED]
Email: [REDACTED]
Web: [REDACTED]

[REDACTED] Upton Road
Broadstairs
Kent CT10 2AS
United Kingdom



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[REDACTED]
[REDACTED] Sowell Street
Broadstairs
Kent
CT10 2AT



Thursday 18th May 2017

Dear Miss Berry

Please find enclosed the following:
Record of Nuisance form WK/201713881
Record of Nuisance form WK/201713860
Copy of record of Nuisance form WK/201636039

I write to you regarding The Little Albion Inn and The Four Candles.

As you will see from the list attached to the Record of Nuisance forms, my complaint is mostly about The Little Albion inn rather than The Four Candles. The issue with The Four Candles is about noisy drinkers outside the pub when smoking/during the warmer weather. The issue regarding The Little Albion Inn is very loud music that seems to be escalating week by week.

I wrote to you last year regarding these issues but never heard anything back.

The noise coming from the Little Albion Inn is getting louder and louder, so much so that I cannot have any windows open whilst their music is being played, I also have to have my TV turned up very loud just so I can hear it over the noise. This is happening frequently and is seriously impacting my quality of life at the weekend.

Would you be kind enough to answer the following questions for me?

- 1) What is the legal noise limit that music can be played at during the evening in a residential area?
- 2) What are The Little Albion's licensing hours and are they allowed to play music during said hours? If their license is until 1pm does this mean they can play music, at any volume they choose, until that time? I have spoken with TDC several times and have asked for their licensing hours and if loud music can be played after 11pm yet no one seems to be able to give me an answer.

Agenda Item 4

Annex 2

3) What are the permitted noise levels for the pub customers sitting outside on the benches especially when they are being really loud late at night? Do these benches have a license? Again, if they do, what considerations are given to neighbours when granting these licenses especially given they take up a considerable amount of space on the pavement which at times results in members of the public having to walk in the road due to the overspill?

4) What consideration is given to neighbouring properties when the Local Authority decides on licensing for pubs such as the Little Albion? The pub is located in a popular residential area, surrounded by family homes. Is it given any thought when allowing said licences? Do residents not have a right to peace and quiet and the ability to get a nights sleep after 11pm? Some days I have to leave home for work at 6.30am, not much fun when the pub 30 metres away is playing ridiculously loud music until the early hours.

5) Has anyone else in the surrounding area complained about the noise? If this is a question that comes under the Freedom of Information Act then please take this letter as my official request for said information.

6) I submitted Record of Nuisance form WK/201636039 at the end of October 2016 listing dates of noise and asking all of the above questions yet I never heard anything back. What have you done with the Record of Nuisance form WK/201636039? What have you done with the information I submitted online on 2nd April this year? Again, this email included all the questions above and listed all the noise nuisances from the notes app on my iPhone including those from Record of Nuisance form WK/201636039. Lengthy this email may have been however I felt it was significant for you to receive all the past history so you can see how the problems are escalating.

I fully understand that I live near a pub and a certain level of noise up to a certain time is to be expected. When I moved here 6 years ago the only pub in the street was The Little Albion and the noise was on the rare occasion. Now there are 2 pubs to contend with, both of which have a massive overspill outside, even more so in the summer resulting in lots of loud talking. Again, up until 11pm a certain level of noise is to be expected but what is the legal limit for this noise level? Does this limit change after 11pm? With music also from The Little Albion late afternoon/early evening every Sunday the weekend can often be ruined by the noise coming from the pub.

I personally believe the problems are only going to get worse once the warm weather arrives and windows and doors are open meaning not only will the music become much louder but the noise outside will increase. When does all this stop becoming a noise nuisance and actually become anti-social behavior?

I would very much appreciate it if you could look into this for me and any advice would be gratefully received.

I look forward to hearing from you.

Yours sincerely,

A redacted signature consisting of several horizontal black bars obscuring the name and any handwritten notes.

CC: P Bensted, Licensing Department, TDC
Craig McKinley MP (withheld until the results of the general election)
Rob Kenyon, Director of Community Services, TDC
Councillor R Dexter
Councillor I Gregory
Councillor J Savage

Please return the White sheet and keep the Pink carbon copy

Environmental Protection Team



Record of Nuisance

For office use - WK Number: 251630039 Officer: KEVIN GARDNER

Your Name: ~~XXXXXXXXXX~~ Occupation: ~~XXXXXXXXXX~~
 Address: 20 WELLS STREET, BROADSTAIRS, KENT CT11 1UR
 Telephone No: 8888888888 Age (if over 21 enter "over 21"): over 21
 Nature of nuisance: _____

Name and address of source of nuisance: The Little Albums bar, 110 S Peter Road, Broadstairs, Kent, CT11 2AD

Date	Start Time	Briefly describe what happened and how this incident affected you	Stop Time
		The noise from the Little Albums has been building up in the quite quiet town area since getting together a long time back. Noise being emitted very loud on a Sunday Morning.	
		At times there is also a lot of noise from the local candles - people walking loudly late etc.	
		I have attached a print out of the noise map as there are many I have recorded on here. Can you investigate & answer the following:	
		1) What is the legal noise limit of which noise can be emitted during the evening in a residential area?	
		2) What are the Little Albums hours and can they play music at any volume that is necessary during those hours?	
		3) What are the permitted noise levels for pub customers sitting outside on benches? Do those benches need a license?	
		4) What consideration is given to neighbouring properties who have LA orders on licensing hours for pubs in residential area?	
		I look forward to hearing from you.	

This record is a statement of incidents which I have personally witnessed and is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I should be liable to prosecution if I have stated in it anything which I know to be false or do not believe to be true.

Dated the 25th day of October 2016 Signature ~~XXXXXXXXXX~~

Agenda Item 4 Annex 2

To accompany record of nuisance WK:201636039

21st August 15 - loud talking, laughing, swearing. Talking about education, railways etc. until 23.45. 6 of them Sowell Street side.

4th September 15 - small group outside talking loudly until 11.35pm.
Sowell Street side.

Monday 14th December 15 - Kegs delivered to 4 candles at 2.45am - about 40 mins.

Weds 16th Dec 15 - Little Albion Inn - loud band until 11.45pm.

Little Albion - bottle bins emptied at 5.26am on Thursday 7th Jan 2016

Sat 13th Feb 16 - loud band until 11.15pm

Little Albion - bottle bins emptied at 5.13am Thursday 3rd March 16.

Thursday 14th April 16 - bottle bins at 5.13am Little Albion

Thursday 26th May 16 - bottle bins at 5.26am - Little Albion

Thursday 28th April 16 - at 4.58am little Albion bottle bin emptied

Saturday 18th June 16 - little Albion. Live band playing until 11:23

Saturday 9th July 16 - Little Albion. Really loud until 23.11 then just loud until 12.05am

Prodigy/status quo. Loud talking outside.

Friday 22nd July 16/ little Albion. Loud music still being played at 12.15 followed by really loud noisy customers leaving.

Mon 25th July 16 - little Albion loud talking until 11.20pm

Thurs 28th July 16 - Little Albion - loud music until 11.40pm

Friday 29th July 16 - Little Albion - loud music until just after midnight.
Noisy when leaving

Saturday 30th July 16 - Little Albion / loud

Agenda Item 4 Annex 2

; talking outside until 00.06

Sunday 31st July 16 - Little Albion - shouting and swearing at 10.30pm for about 25 mins

. Argument between customers. Woken up at 2am with loud talking and checring, group outside pub. Pub lights still on.

Thursday 4th August 16 - Little Albion - 5am bottle bin emptied.

Thursday 4th August 16 - Little Albion - shouting/loud talking 23.22pm

Monday 8th August - both pubs - woken at 23.20 by very loud talking followed by singing and accordion(?) playing at 23.40pm. Singing/music coming from 4 candles ended just after midnight.

Tuesday 9th August - both pubs really loud. Singing after 11pm in the LA. Four candles very loud with singing and talking outside until just gone midnight. Loud talking as leaving pub.

Friday 12th August - loud singing from 4 candles inside plus loud talking with approx. 50 people outside until 12.10am. Singing ended about 11.45pm.

Monday 15th August - 6.10am - Little Albion - bottle bin emptied. Blue Lorry with white sign in middle and writing which I couldn't make out.

Monday 29th August - Little Albion bottle bin emptied at 5.36am

Friday 7th October - Little Albion loud music until 01.15am

Monday 10th October - Little Albion bottle bin emptied at 5.34am

Friday 14th October - Little Albion. Very loud music (band). Could be heard through closed windows and with TV on. Finished at midnight. Really loud, even more so when doors of pub opened. Very loud customers outside.

Please return one form you may keep one for your records

Environmental Protection Team

Record of Nuisance



For office use -	WK Number: WK/201713860	Officer: Miss A Berry
------------------	-------------------------	-----------------------

Please read the notes overleaf before completing this form.

Your Name: ~~XXXXXXXXXX~~ Occupation: ~~XXXXXXXXXX~~

Address: ~~XXXXXXXXXX~~ FINWELL STREET, BROADSTAIRS, KENT, CT10 2AT

Telephone No: ~~XXXXXXXXXX~~ 888888 888888 Age (if over 21 enter "over 21") over 21

Nature of nuisance: Noise

Name and address of source of nuisance: The Little Albion Inn, 40 St Peter's Rd, Broadstairs, Kent, CT10 2AP

Date	Start Time	Briefly describe what happened and how this incident affected you	Stop Time
		Please see attached sheet.	

This record is a statement of incidents which I have personally witnessed and is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I should be liable to prosecution if I have stated in it anything which I know to be false or do not believe to be true.

Dated the 18th day of May 2017 Signature ~~XXXXXXXXXX~~

~~XXXXXXXXXX~~ Sowell Street, Broadstairs, Kent, CT10 2AT.

Print out from my iPhone of noise nuisances from The Little Albion Inn and The Four Candles.

Ref: WK/201713869 & WK/201713881

21st August 15 - loud talking, laughing, swearing. Talking about education, railways etc. until 23.45. 6 of them Sowell Street side.

4th September 15 - small group outside talking loudly until 11.35pm. Sowell Street side.

Monday 14th December 15 - Kegs delivered to 4 candles at 2.45am - about 40 mins.

Weds 16th Dec 15 - Little Albion Inn - loud band until 11.45pm.

Little Albion - bottle bins emptied at 5.26am on Thursday 7th Jan 2016

Sat 13th Feb 16 - loud band until 11.15pm

Little Albion - bottle bins emptied at 5.13am Thursday 3rd March 16.

Thursday 14th April 16 - bottle bins at 5.13am Little Albion

Thursday 26th May 16 - bottle bins at 5.26am - Little Albion

Thursday 28th April 16 - at 4.58am little Albion bottle bin emptied

Saturday 18th June 16 - little Albion. Live band playing until 11:23

Saturday 9th July 16 - Little Albion. Really loud until 23.11 then just loud until 12.05am Prodigy/status quo. Loud talking outside.

Friday 22nd July 16/ little Albion. Loud music still being played at 12.15 followed by really loud noisy customers leaving.

Mon 25th July 16 - little Albion loud talking until 11.20pm

Thurs 28th July 16 - Little Albion - loud music until 11.40pm

Friday 29th July 16 - Little Albion - loud music until just after midnight. Noisy when

Agenda Item 4 Annex 2

leaving

Saturday 30th July 16 - Little Albion / loud
talking outside until 00.06

Sunday 31st July 16 - Little Albion - shouting and swearing at 10.30pm for about 25 mins
. Argument between customers. Woken up at 2am with loud talking and cheering, group
outside pub. Pub lights still on.

Thursday 4th August 16 - Little Albion - 5am bottle bin emptied.

Thursday 4th August 16 - Little Albion - shouting/loud talking 23.22pm

Monday 8th August - both pubs - woken at 23.20 by very loud talking followed by
singing and accordion(?) playing at 23.40pm. Singing/music coming from 4 candles
ended just after midnight.

Tuesday 9th August - both pubs really loud. Singing after 11pm in the LA. Four candles
very loud with singing and talking outside until just gone midnight. Loud talking as
leaving pub.

Friday 12th August - loud singing from 4 candles inside plus loud talking with approx. 50
people outside until 12.10am. Singing ended about 11.45pm.

Monday 15th August - 6.10am - Little Albion - bottle bin emptied. Blue Lorry with white
sign in middle and writing which I couldn't make out.

Monday 29th August - Little Albion bottle bin emptied at 5.36am

Friday 7th October - Little Albion loud music until 01.15am

Monday 10th October - Little Albion bottle bin emptied at 5.34am

Friday 14th October - Little Albion. Very loud music (band). Could be heard through
closed windows and with TV on. Finished at midnight. Really loud, even more so when
doors of pub opened. Very loud customers outside.

Saturday 19th November - Little Albion. Very loud band until 11.30ish followed by DJ
until 1.15am. Could hear with all windows closed and TV on. Worse every time pub door
opened.

Agenda Item 4 Annex 2

Saturday 26th November - Little Albion. Very loud band until 11.20pm. Same noise volumes as above.

New Year's Eve - Little Albion. Loud music - band & DJ until gone 1.30am.

Friday 14th Jan 17 - Little Albion. Very loud band until 11.26pm

Tuesday 17th Jan 17 - Little Albion. Bins emptied. 1 x 5.36am - just loud clunking. Just going back to sleep when bottle bin emptied at 6.13am. Loud crashing of glass and clunking of machinery from vehicle and mechanism to lift bins.

Friday 10th February 17 - loud music until 11.10. Followed by lots of noise outside pub for next hour or so.

Saturday 11th Feb 17 - loud live band. Could hear clearly even with windows closed. Still playing at 11.35

Monday 13th Feb 17 - Little Albion. Bottle bin emptied at 5.55am. Woke me up.

Mon 20th Feb 17 - Little Albion. Bottle bin again at 5.46am. Woke me up.

Tue 21 Feb 17 - regular bins being emptied at 6.15am. Cannot be sure if it was Little Albion or Four Candles. Mechanism of dust cart really loud and woke me up.

Friday 24 Feb 17 - Little Albion. Loud band until pm. Clearly hear music when in bed with window closed. Worse when pub door opens.

Mon 27th Feb 17 - little Albion bottle bin emptied again at about 5.50am.

Friday 3rd March 17 - Little Albion. Loud band and music until midnight. Girls talking, shouting, squealing outside pub after 11pm.

Monday 13th March 17 - Little Albion bottle bin emptied at 5.29am

Saturday 18th March 17 - Little Albion. Very loud music/disco until 23.40.

Saturday 25th March 17 - Little Albion. Really loud band until 11pm. Recorded decibel. Recorded video. Could hear louder than usual with windows closed and TV on. Like I was playing very loud music in bedroom. Had to have the TV on 50 to be able to hear it

Agenda Item 4 Annex 2

above music.

Saturday 1st April 17 - Little Albion. DJ extremely loud. Still playing at time of sending this - 00.47am on 02/04/17. Ended at 01.21am on 02/04/17.

Saturday 8th April 17 - Little Albion. Band until 23.10. Really loud base and shouting to the music rather than singing. As usual, worse when door open. Slightly quieter music until 23.20. Loud singing at 23.30 then loud kicking out time at 23.40.

Fri 21st April 17 - Little Albion. Band until 11pm. Extremely loud, struggling to hear TV over it.

Sat 22nd April 17 - Little Albion. Band playing until 11.15pm. Loud but not as loud as previous night. As usual, much louder when door open.

Friday 5th May 17 - Little Albion. Band playing until 11.22pm. Very, very loud. Could be heard over the TV & fan. Window closed due to noise hence why fan was on. Could hear word for word. Then music playing until around midnight.

Saturday 6th May 17 - Little Albion. Band again, unbearably loud. Lots of drumming and shouting to the music rather than singing. Was so loud sounded like it was outside the front of my house. Band finished at 23.40. When band finished they played music really, really loudly. Called the pub at 23.52pm and informed him that I could hear the music above my TV and with all windows closed & that I had recorded the noise. Promised to turn it down immediately, he didn't. Music turned down ever so slightly at midnight but carried on until 1am.

Saturday 13th May - Little Albion Inn - loud music until 1.30am. Band finished at just after midnight but was replaced with very loud music. I called at 01.24am on 14th May. A lady answered and told me they will turn it down soon as they have a license until 1.30am. She then passed me to a young lad and he told me the same thing. I asked if they had a license to play music as loud as you like until 1.30am to which he said they did. I asked the same question again to which he then called for Marcus. Marcus, whom one would assume is the landlord, came to the phone. I explained again I was a neighbor and asked the same question re their license and the music that I had asked the others to which he replied that they had a license until 1am. I asked again if this means he can play music as loud as he likes until then, he said yes. With that they thought they had put the phone down on me however that hadn't and I could hear the young lad getting told off by Marcus spoken to by Marcus about the conversation he had had with me.

Date: 3rd April 2017
Ref:WK/201713860



The Little Albion Inn
40 St Peters Road
Broadstairs
Kent
CT10 2AP

Dear Sir/Madam

Environmental Protection Act 1990 – Section 79 (1)

Complaint of Nuisance from amplified music at The Little Albion Inn, 40 St Peters Road, Broadstairs, Kent, CT10 2AP

The Environmental Health Department has received complaints about loud music from your establishment.

We appreciate that persons living near to licensed premises must expect that there is inevitably some disturbance associated with such premises. On the other hand, it would not be fair for residents to endure unnecessary levels of amplified music in the late evening.

If you wish to have amplified music on a regular basis then to avoid causing nuisance it may be necessary for you to install sound insulation or other noise control measures. We are always willing to give advice on this if you require it.

The complainant has been given the number of our Noise Control Service to contact when the noise is causing a problem. If the Duty Officer is called then an assessment of the noise will be made. If in the Officer's opinion there is an unreasonable interference with your neighbours' enjoyment of their homes we will notify you. We may then be obliged to serve an Abatement Notice under the Environmental Protection Act 1990 requiring that the nuisance is restricted or stopped. It is also possible that if serious nuisance persists a request will be made to the Licensing Board to review your premises licence.

I hope it will not be necessary to go to these extremes and, if a problem is identified, we can count on your co-operation in resolving the matter. If you wish to comment on anything raised in this letter please write or contact me on the telephone number below.

Yours sincerely

Miss A Berry
Environmental Health Officer
01843 577422
amanda.berry@thanet.gov.uk

c.c. Licensing Unit, Thanet Police
Licensing Team

Thanet District Council
PO Box 9
Cecil Street
Margate
Kent
CT9 1XZ

01843 577000
www.thanet.gov.uk

Agenda Item 4
Annex 2

Thanet District Council
PO Box 9
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CT9 1XZ

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OUT OF HOURS NUISANCE CONTROL SERVICE – Record Sheet

OFFICER DETAILS			
Name	L. Combal	Date	27.5.17 SAT day AM (PM)
Time Call Received	23.25	Call from: Complainant / Police / Standby	
Time Departure		Total Time Out	
Time Arrived at Site		Hours / Part Hours	
Time Left Site		Authorised by	
Time Returned Home	00:15		

DETAILS OF CALL	
Complaint of: <u>AMPLIFIED MUSIC</u> / ALARM / VEHICLE ALARM / ODOUR / SMOKE / OTHER	
Details of Complainant	11 Upton Rd. Bismars
Source of Complaint	LIME ABON INN. BISMARS

REPORT OF OFFICER
Description of Visit:
<p>UPTON APPEAR TO HEAR MUSIC FROM RIB. ALL WINDOWS + DOORS WERE CLOSED PEOPLE NOISE COULD BE HEARD FROM GARDEN IN COMB'S HOUSE NOTHING WAS AUDIBLE IN BEDROOM. LEFT + AS APPROACHED CAR WHICH WAS NEXT TO RIB COULD HEAR MUSIC. AGAIN ALL WINDOWS + DOORS SHUT - TAXI DROPPED 2 MILES OFF THEY ENTERED RIB. COMB THEN SAID MUSIC HAD GONE ON AGAIN BUT THIS COINCIDED WITH RIB DOOR OPENING + CLOSING</p>

ASSESSMENT Tick
NO NUISANCE

ACTION TAKEN Tick			
WITNESSED		NOTICE SERVED	
Completion Code		Pollution Case Office:	
Complaint No.	WK	Entered by:	

Admin: 1 copy (white) to House File

1 copy (pink) to Payroll

OUT OF HOURS NUISANCE CONTROL SERVICE – Record Sheet



OFFICER DETAILS			
Name	CHRISTOPHER BEAUM		Date 2/6/17 FRIDAY day AM / PM
Time Call Received	21.08pm	Call from: Complainant / Police / Standby	
Time Departure	21.25pm	Total Time Out	
Time Arrived at Site	21.35pm	Hours / Part Hours	
Time Left Site	23.20pm	Authorised by	
Time Returned Home	23.25pm	Recorded on a diary sheet	

DETAILS OF CALL	
Complaint of: <u>AMPLIFIED MUSIC</u> / ALARM / VEHICLE ALARM / ODOUR / SMOKE / OTHER	
Details of Complainant	MISS ██████████ SOWELL STREET BROADSTAIRS
Source of Complaint	THE LITTLE ALBION PUBIC HOUSE 40 ST PETER ROAD

REPORT OF OFFICER	
Description of Visit:	ARRIVED AT COMPLAINANTS AFTER LEAVING ANOTHER PROPERTY MUSIC WAS CLEARLY AUDIBLE WITH WINDOWS OPEN MUSIC LARD PREVENT SLEEP IN BEDROOMS
	SEE VISIT NOTES

ASSESSMENT Tick	

ACTION TAKEN Tick			
WITNESSED	YES	NOTICE SERVED	
Completion Code		Pollution Case Office:	ANITA BOLL
Complaint No.	WK 20713860	Entered by:	

Admin: 1 copy (white) to House File 1 copy (pink) to Payroll

Agenda Item 4 Annex 2

Arrived at Upton Road Broadstairs for a noise complaint concerning the Little Albion Public House. On arrival we entered the front room and sat down. The TV was turned off. The music was audible with a base beat. At 21:38pm the music became more audible. At 21:38pm I asked Mr [REDACTED] to turn the TV on. The music continued throughout our visit. I was only able to identify one song. At 21:54pm I went upstairs to the front bedroom. On entry you could hear people shouting and laughing. The music had gone off and the band appeared to be having a break. It was a warm night (17c). The windows were open for ventilation. I stood next to the bed. The noise from patron would prevent sleep. At 22:00pm the continued and the main door was open. There was a male shouting and laughing. At 22:06pm I heard a female shouting. At this point I realised that the patron noise could be from either the Four Candles Bar or the Little Albion Public House as from my position I could not tell. At 22:14pm I heard a male voice shouting. At 22:15pm I could hear a male voice on a microphone. I heard a male voice shouting. At 22:17pm I heard 'Mr Blue' (Song). The front door appeared to be open. The music would disturb sleep. Everytime the door to the public house opened the level went up. At 22:18pm a car went past and the music was at the same level as the car. At 22:20pm the song stopped and then they started 'So glad we made it' At 22:21pm I shut both windows. I could hear the base which was audible but not the words. It would not wakt you from sleep but may hinder you from going to sleep. Some of the base content was higher than others. At 22:25pm I opened the windows again. The music was audible. At 22:27pm I received a call from another complainant for the same premises. At 22:28pm the music level went up then the music stopped. There was cheering and screaming. At 22:30pm 'Baby being born to the overkill' started. The music was clearly a nuisance and would prevent sleep in the room I was in – a first floor bedroom window facing into Upton Road. We left at 22:35pm.

We then entered Sowell Street at 22:37pm. At 22:41pm I asked the occupant to open the front room window. The music was very audible. I asked the occupant to turn the TV on. At 22:43pm. The music interrupted the use of the TV and would mean I would turn the TV up. At 22:43pm Disco 2000 finished. At 22:43pm they started playing 'play that funky music'. At 22:45pm we went upstairs to the fronr bedroom. The music was loud, audible and intrusive and would prevent and wake people from sleep. The music continued. At 22:49pm the song stopped. At 22:50pm 'Let me entertain you' started. Every word was audible. At 22:50pm I asked the occupant to shut the windows. The base beat was audible but would not wake you but may prevent you from going to sleep. At 22:53pm the song stopped and restarted. At 22:54pm the song stopped. At 22:55pm 'Lazy Sunday afternoon' was playing. At 22:58pm 'I saw her standing there'. At 23:04pm 'You can Never Tell' started. This was slightly lower but the base content was lower. We left the premises at 23:06pm. At 23:08pm I entered the Little Albion to speak to the licensee. We had to go into a rear kitchen and shit the door as I could not have a conversation without shouting. I asked him to stop the band after the current song and he agreed. The Licensee was Marcus Hoggman. We left at 23:11pm. We drove back past at 23:16pm and music was off. We left the area at 23:18pm.

Agenda Item 4

Annex 2

Date 6th June 2017
Ref WK/201713860



Mr Marcus John Hogg
The Little Albion Inn
40 St Peters Road
Broadstairs
CT10 2AP

Dear Mr Hogg

Environmental Protection Act 1990 – Section 79 (1)
Complaint of noise nuisance from loud music and patrons
at The Little Albion Inn, 40 St Peters Road, Broadstairs, Kent, CT10 2AP

I write to inform you that a complaint was made to the council's Nuisance Control Service on Friday 2nd June alleging that excessive noise from your property was causing a disturbance to nearby residents.

Officers attended at 21:30hrs until 23:00hrs and witnessed very loud music emanating from your premise. Whilst no further action will be taken at this stage, the situation will be monitored and, if a disturbance is witnessed again, an abatement notice will be served under the above legislation and consideration given to formal action.

I would therefore recommend you consider the following mitigation measures to avoid potential formal action:

- Install a secure sound limiting device. There are several types available and you should seek to make your own enquiries with regards to suitability. An example of a frequently used device is the Sentry Mk2: for information please visit: www.formula-sound.com. The limiter should be installed and set by a competent sound engineer and secured so that only you have access to it and no alteration can be made without your knowledge.
- The noise level must be advised by Environmental Health
- Until the limiter is functioning properly you should not have live music.
- All windows and doors must be kept closed during regulated entertainment i.e. other than low level background music at which level you can hold a conversation without raising your voice and all doors fitted with door closures.
- You may wish to consider secondary glazing and air conditioning if ventilation is inadequate.
- Consider preventing patrons from taking drinks outside the front of the premises and erecting signage to this effect.

If you wish to discuss this matter further please contact me on the details above.

Yours sincerely

A handwritten signature in blue ink, appearing to read "AB" followed by a flourish.

Miss A Berry
Environmental Health Officer
01843 577422
amanda.berry@thanet.gov.uk

c.c: Philip Bensted, TDC Licensing
Darren Dennett, Police Licensing

Thanet District Council
PO Box 9
Cecil Street
Margate
Kent
CT9 1XZ

01843 577000
www.thanet.gov.uk

OUT OF HOURS NUISANCE CONTROL SERVICE – Record Sheet



OFFICER DETAILS			
Name	Kevyn Goodall	Date	16-6-17 Fri day AM / PM
Time Call Received	21-20	Call from: Complainant / Police / Standby	
Time Departure	21:25	Total Time Out	45 mins
Time Arrived at Site	21:47	Hours / Part Hours	
Time Left Site	21:58	Authorised by	
Time Returned Home	22:05		

DETAILS OF CALL	
Complaint of: AMPLIFIED MUSIC / ALARM / VEHICLE ALARM / ODOUR / SMOKE / OTHER	
Details of Complainant	Upton Rd Broadstairs
Source of Complaint	The Little Albion High Street St Peter

REPORT OF OFFICER

Description of Visit:

Arrived at sea doors of the pub was closed but all the windows were open. Loud patron noise from the garden. In front bedroom of property of complainant with windows open music could be heard clearly with windows closed music still audible. Mr Blade called again at 1-30 I was in the vicinity & drove past patron noise was all from the garden.

ASSESSMENT Tick

ACTION TAKEN Tick

WITNESSED		NOTICE SERVED	
Completion Code		Pollution Case Office:	
Complaint No.	WK	Entered by:	

Admin: 1 copy (white) to House File

1 copy (pink) to Payroll

OUT OF HOURS NUISANCE CONTROL SERVICE – Record Sheet



OFFICER DETAILS			
Name	Kathy Goodall	Date	17-6-11 Sat day AM (PM)
Time Call Received	21-15	Call from: Complainant / Police / Standby	
Time Departure		Total Time Out	
Time Arrived at Site	21-42	Hours / Part Hours	
Time Left Site		Authorised by	
Time Returned Home	22-15		

DETAILS OF CALL	
Complaint of: AMPLIFIED MUSIC / ALARM / VEHICLE ALARM / ODOUR / SMOKE / OTHER	
Details of Complainant	Miss [redacted] [redacted] Sower Street Broadview
Source of Complaint	Little Albion Broadview

REPORT OF OFFICER
Description of Visit:
<p>arrived at site 21-42 music could be heard clearly from o/s property, in lounge all windows open music could be heard + felt, in bedroom at front of property music very loud, left property at the public house side windows open + door open, left site 21-59,</p>

ASSESSMENT Tick	

ACTION TAKEN Tick			
WITNESSED		NOTICE SERVED	
Completion Code		Pollution Case Office:	
Complaint No.	WK	Entered by:	

Admin: 1 copy (white) to House File 1 copy (pink) to Payroll

OUT OF HOURS NUISANCE CONTROL SERVICE – Record Sheet



OFFICER DETAILS			
Name	Kasidy Goodall		Date 17/6/17 3:45 day AM (PM)
Time Call Received	2127	Call from: Complainant / Police / Standby	
Time Departure		Total Time Out	
Time Arrived at Site	2150	Hours / Part Hours	
Time Left Site	2205	Authorised by	
Time Returned Home	2215		

DETAILS OF CALL	
Complaint of:	AMPLIFIED MUSIC / ALARM / VEHICLE ALARM / ODOUR / SMOKE / OTHER
Details of Complainant	██████████ Upton Rd Broadstairs
Source of Complaint	The Little Abdon High Street St Peters

REPORT OF OFFICER
Description of Visit:
Arrived at site 21:50 the music from the public house had ceased as the band were on a break, spoke to complainants the visited The Little Abdon requested they close the windows & the door, Landlord said he would close the windows & monitor the noise in the courtyard.

ASSESSMENT Tick

ACTION TAKEN Tick			
WITNESSED		NOTICE SERVED	
Completion Code		Pollution Case Office:	
Complaint No.	WK	Entered by:	

Admin: 1 copy (white) to House File 1 copy (pink) to Payroll

Date 20th June 2017
Ref WK/201713860



Mr Marcus John Hogg
The Little Albion Inn
40 St Peters Road
Broadstairs
CT10 2AP

Dear Mr Hogg

**THIS LETTER IS FOR INFORMATION ONLY AND DOES NOT FORM PART OF THE
ATTACHED NOTICE**

Environmental Protection Act 1990 – Section 79 (1)
Complaint of noise nuisance from loud music and patrons
at The Little Albion Inn, 40 St Peters Road, Broadstairs, Kent, CT10 2AP

Further to my letter dated 6th June, enclosed for information, I write to inform you that complaints were made to the council's Nuisance Control Service on Friday 16th and Saturday 17th June at around 21:45hrs. The Officer confirmed that the noise was excessive and doors were wide open.

I am therefore obliged to serve you with an Abatement Notice as the premise licence holder and person responsible for controlling the noise. If the Abatement Notice is ignored then any further nuisance will be an offence, which, on conviction in the Magistrates' Court, could result in fines of up to £20,000

Any subsequent breach of the Abatement Notice will result in the premise licence being brought in for review.

If you would like to discuss the matter further or need any advice please feel free to contact me on 577422.

Yours sincerely

A handwritten signature in black ink, appearing to read "AB" followed by a flourish.

Miss A Berry
Environmental Health Officer
01843 577422
amanda.berry@thanet.gov.uk

c.c: Philip Bensted, TDC Licensing
Darren Dennett, Police Licensing

Thanet District Council
PO Box 9
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Kent
CT9 1XZ

01843 577000
www.thanet.gov.uk

Date 6th June 2017
Ref WK/201713860



Mr Marcus John Hogg
The Little Albion Inn
40 St Peters Road
Broadstairs
CT10 2AP

Dear Mr Hogg

Environmental Protection Act 1990 – Section 79 (1)
Complaint of noise nuisance from loud music and patrons
at The Little Albion Inn, 40 St Peters Road, Broadstairs, Kent, CT10 2AP

I write to inform you that a complaint was made to the council's Nuisance Control Service on Friday 2nd June alleging that excessive noise from your property was causing a disturbance to nearby residents.

Officers attended at 21:30hrs until 23:00hrs and witnessed very loud music emanating from your premise. Whilst no further action will be taken at this stage, the situation will be monitored and, if a disturbance is witnessed again, an abatement notice will be served under the above legislation and consideration given to formal action.

I would therefore recommend you consider the following mitigation measures to avoid potential formal action:

- Install a secure sound limiting device. There are several types available and you should seek to make your own enquiries with regards to suitability. An example of a frequently used device is the Sentry Mk2: for information please visit: www.formula-sound.com. The limiter should be installed and set by a competent sound engineer and secured so that only you have access to it and no alteration can be made without your knowledge.
- The noise level must be advised by Environmental Health
- Until the limiter is functioning properly you should not have live music.
- All windows and doors must be kept closed during regulated entertainment i.e. other than low level background music at which level you can hold a conversation without raising your voice and all doors fitted with door closures.
- You may wish to consider secondary glazing and air conditioning if ventilation is inadequate.
- Consider preventing patrons from taking drinks outside the front of the premises and erecting signage to this effect.

If you wish to discuss this matter further please contact me on the details above.

Yours sincerely

A handwritten signature in black ink, appearing to read "AB" followed by a flourish.

Miss A Berry
Environmental Health Officer
01843 577422
amanda.berry@thanet.gov.uk

c.c: Philip Bensted, TDC Licensing
Darren Dennett, Police Licensing

Thanet District Council
PO Box 9
Cecil Street
Margate
Kent
CT9 1XZ

01843 577000
www.thanet.gov.uk



**THE ENVIRONMENTAL PROTECTION ACT 1990 (AS AMENDED)
SECTION 80**

ABATEMENT NOTICE IN RESPECT OF A STATUTORY NUISANCE

To: Marcus John Hogg
Of: The Little Albion Inn, 40 St Peters Road, Broadstairs CT10 2AP

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Thanet District Council being satisfied of the existence and likely recurrence of a statutory nuisance at:

The Little Albion Inn, 40 St Peters Road, Broadstairs CT10 2AP

within the district of the Thanet District Council arising from the following matters which are such as to be a nuisance namely loud music

HEREBY REQUIRE YOU as the person responsible for the said nuisance of the premises on which the nuisance arises immediately from the service of this notice to abate the same and prohibit its recurrence and for that purpose require you to:

Abate the nuisance

IN THE EVENT OF AN APPEAL this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court as, in the opinion of Thanet District Council, the nuisance to which the abatement notice relates is likely to be of a limited duration such that suspension of the notice would render it of no practical effect and the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

YOUR ATTENTION IS DRAWN to the provisions of parts of Sections 79 and 80 of the Environmental Protection Act 1990 and in particular to Section 80 (3) which states that the person served with the notice may appeal against the Notice to a magistrates' court within the period of 21 days beginning with the date on which the person was served with the notice. The grounds for appeal are set out in the Statutory Nuisance (Appeals) Regulations 1995, Regulation 2 of which is attached.

IF YOU CONTRAVENE or fail to comply with any requirement or prohibition imposed by this notice without reasonable excuse you will be guilty of an offence against Part III of the Environmental Protection Act 1990. If you commit such an offence on industrial, trade or business premises you will be liable on summary conviction to a fine not exceeding £20,000. If the offence is committed on another class of premises you will be liable on summary conviction to a fine not exceeding level 5 (currently £5,000) on the standard scale together with a further fine of an amount equal to 1/10th of that level for each day on which the offence continues after the conviction. If this notice is not complied with Thanet District Council may abate the nuisance and do whatever may be necessary in execution of the notice and recover from you any expenses reasonably incurred in doing so.

DATED 20th June 2017

SIGNED 
Authorised to sign on behalf of
Head of Safer Neighbourhoods
Thanet District Council
PO Box 9
Cecil Street
MARGATE Kent CT9 1XZ

Agenda Item 4

Annex 2

THE STATUTORY NUISANCE (APPEALS) REGULATIONS 1995

(In these Regulations "the 1974 Act" means the Control of Pollution Act 1974 and "the 1990 Act" means the Environmental Protection Act 1990 and "the 1993 Act" means the Noise and Statutory Nuisance Act 1993)

Appeals under Section 80(3) of the 1990 Act

2 (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.

- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case -
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
 - (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates -
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney; or
 - (iii) is a nuisance falling within section 79(1)(ga) (section 79(1)(ga) was inserted by section 2(2) of the 1993 Act) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
 - (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -
 - (i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or
 - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
 - (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, or any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);
 - (h) that the abatement notice should have been served on some person instead of the appellant, being
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
 - (i) that the abatement notice might lawfully have been served on some person instead of the appellant being -
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;
 - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
 - (i) a person also responsible for the nuisance,
 - (ii) a person who is also an owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have been equitable for it to have been so served.



OUT OF HOURS NUISANCE CONTROL SERVICE – Record Sheet

OFFICER DETAILS			
Name	Alison Stocker		Date 23/6/14 On day AM/PM
Time Call Received	22.22	Call from: Complainant / Police / Standby	
Time Departure	22.25	Total Time Out	
Time Arrived at Site	22.38	Hours / Part Hours	
Time Left Site	22.45	Authorised by	
Time Returned Home	23.00		

DETAILS OF CALL	
Complaint of: <u>AMPLIFIED MUSIC</u> / ALARM / VEHICLE ALARM / ODOUR / SMOKE / OTHER	
Details of Complainant	Miss [redacted] Sowell St B1stains
Source of Complaint	The little pub on

REPORT OF OFFICER
Description of Visit: Upon arrival I noted approx 7 patrons outside some sitting at table some students hanging around. Music could be heard. Once at no 10 Mrs [redacted] said she now thinks doors are closed as music seems quieter. In here barroom drinking + bass could be heard + patron noise. When leaving as I walked passed pub doors were closed but music could still be heard.

ASSESSMENT Tick	

ACTION TAKEN Tick			
WITNESSED		NOTICE SERVED	
Completion Code		Pollution Case Office:	
Complaint No.	WK	Entered by:	

Admin: 1 copy (white) to House File 1 copy (pink) to Payroll

Agenda Item 4

Annex 2

Date 26th June 2017
Ref WK/201713860



Mr Marcus Hogg
The Little Albion Inn
40 St Peters Road
Broadstairs
CT10 2AP

Dear Mr Hogg

Environmental Protection Act 1990 – Section 79 (1)
at The Little Albion Inn, 40 St Peters Road, Broadstairs, Kent, CT10 2AP

I write to inform you that a complaint was made to the council's Nuisance Control Service on Friday 23rd June alleging that excessive noise from your property was causing a disturbance to nearby residents. Officers visited at 22:40hrs and witnessed unreasonable loud music coming from your premises.

You have been given advice on measures to control noise and you must ensure that any further music is adequately mitigated. Whilst no further action will be taken at this stage, the situation will be monitored and if a further breach of the Abatement Notice is witnessed served on you dated 20th June will result in this matter being passed to the Councils Solicitor with a view to prosecution.

I would recommend that no further music events are held at the premises until you are confident that the music will not cause a nuisance to neighbours.

Please note that should you choose to install a sound limiting device to control the volume of music; Officers from Environmental Health will be pleased to come along and recommend appropriate levels. If you wish to discuss this matter further please contact me on the details above.

Yours sincerely

A handwritten signature in black ink, appearing to read "A Berry".

Miss A Berry
Environmental Health Officer
01843 577422
amanda.berry@thanet.gov.uk

Thanet District Council
PO Box 9
Cecil Street
Margate
Kent
CT9 1XZ

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OUT OF HOURS NUISANCE CONTROL SERVICE – Record Sheet



OFFICER DETAILS			
Name	L. Combal	Date	17/11 SAT day AM/PM
Time Call Received	2340	Call from:	Complainant / Police / Standby
Time Departure	12.00	Total Time Out	0.30
Time Arrived at Site		Hours / Part Hours	
Time Left Site	12.30	Authorised by	
Time Returned Home			

DETAILS OF CALL	
Complaint of:	AMPLIFIED MUSIC / ALARM / VEHICLE ALARM / ODOUR / SMOKE / OTHER
Details of Complainant	SOUEU ST, BISTARS.
Source of Complaint	LIME ALBION, BISTARS.

REPORT OF OFFICER
Description of Visit: CAU TO MUSIC / DJ. ON ARRIVAL WENT INTO FRONT BEDROOM, COULD HEAR MUSIC + PEOPLE NOISE LEFT PROPERTY + DROVE PAST RIB. ALL WINDOWS + DOOR WERE CLOSED APPROX 12 PEOPLE OUTSIDE.

ASSESSMENT Tick

ACTION TAKEN Tick			
WITNESSED		NOTICE SERVED	
Completion Code		Pollution Case Office:	
Complaint No.	WK	Entered by:	

Admin: 1 copy (white) to House File 1 copy (pink) to Payroll

OUT OF HOURS NUISANCE CONTROL SERVICE – Record Sheet



OFFICER DETAILS			
Name	Sue Burdod	Date	8/7/2017 Sat day AM / PM
Time Call Received	9.40	Call from:	Complainant + Police + Standby
Time Departure	10.00	Total Time Out	
Time Arrived at Site	10.10	Hours / Part Hours	
Time Left Site	10.16	Authorised by	
Time Returned Home	10.23		

DETAILS OF CALL	
Ref.	17/023
Complaint of:	AMPLIFIED MUSIC / ALARM / VEHICLE ALARM / ODOUR / SMOKE / OTHER
Details of Complainant	Miss [redacted] Sowell Street
Source of Complaint	Little Albion + Four Candles

REPORT OF OFFICER	
1	
Description of Visit:	Complainant called at 9.40. Told her that I was still on previous call out and would get there when I could. On arrival no noise from Little Albion, all windows and door shut. (Live music was being played but could not really hear it). 4 candles had more noise with people outside but nothing very loud at all. In C's bedroom windows wide open but could not hear much at all. (Double glazed) C said that it had been a bit louder ^{previously} but no noise as we left.

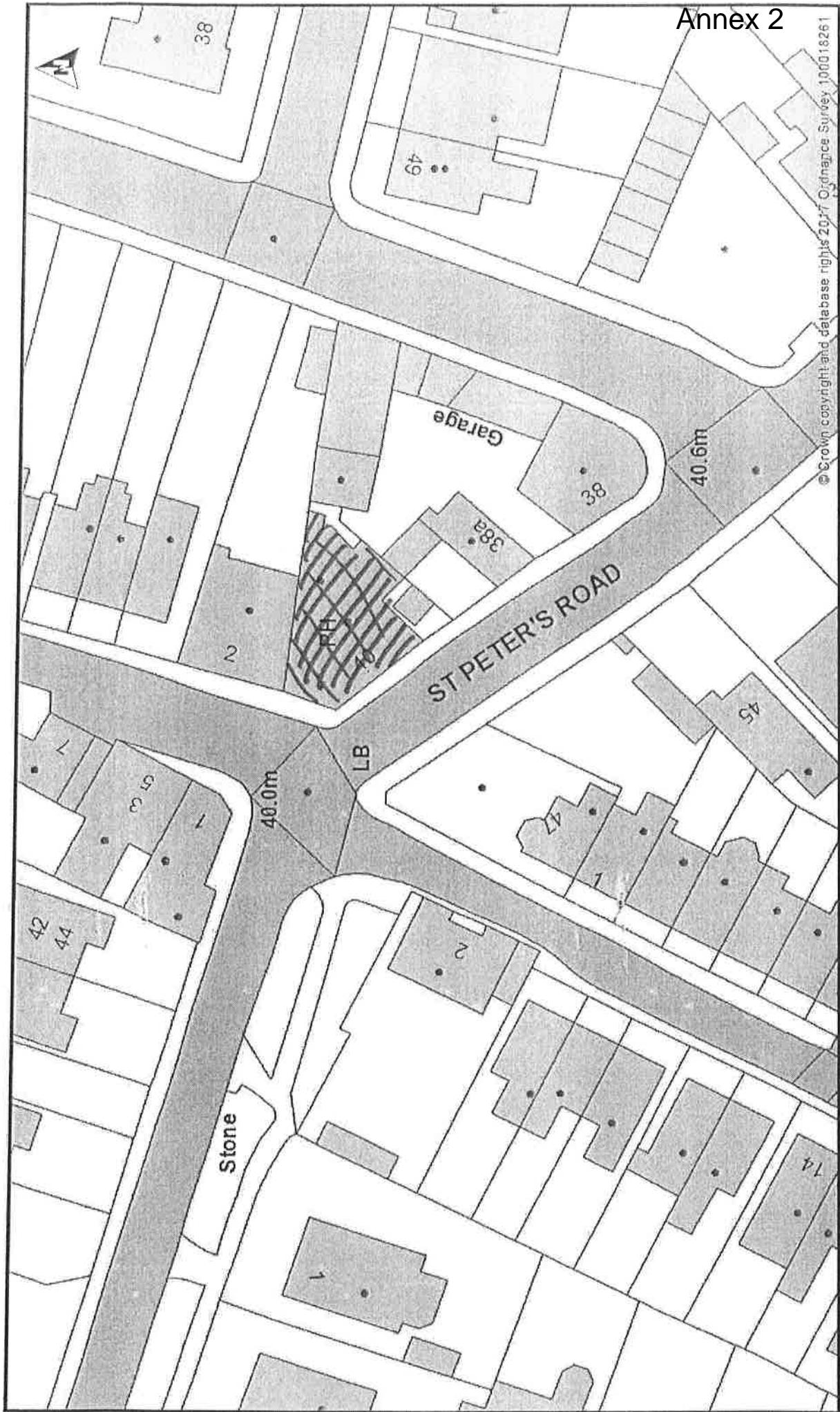
ACTION TAKEN Tick			
WITNESSED		NOTICE SERVED	
Completion Code		Pollution Case Office:	
Complaint No.	WK	Entered by:	

Admin: 1 copy (white) to House File 1 copy (pink) to Payroll

Annex 3



Thanet District Council
Cecil Street
Margate
Kent
CT19 1XZ



Title: Thanet District Council
Author: Thanet District Council
Scale 1:500
Date: 11/07/2017

Philip Bensted

From: [REDACTED]@co.uk>
Sent: 25 July 2017 20:49
To: TDC Licensing
Subject: Little Albion Licence review

Dear Sir/ Madam

I write in support of the Licence of the Little Albion Pub. My understanding is that he has done everything to limit the disturbance to neighbours however, this is a long standing public house which has had music and many customers coming and going. When I lived in Albion Road in 1963 this was the public house that I used very frequently. Since then extensions to the building have taken place with no objections taking place. Had there been objections concerning the possibility of noise the application would not have been passed. I live near a railway line and station. Would/was I be permitted to object to the noise of the tannoy system and the closing of doors from the old steam trains. The answer is no. I chose to live near a station. The residents chose to live near a public house knowing full well of the implications.

I ask that you allow the licence to retain his licence on the condition that he attempts to reduce of the noise.

Yours faithfully

Mr [REDACTED]

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Although this e-mail and any attachments are believed to be free of viruses, or any other defects which might affect any computer or IT system into which they are received and opened. It is the responsibility of the recipient to ensure that they are virus free. No responsibility is accepted by the sender for any loss or damage arising in any way from receipt or use thereof.

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, re-transmission or other use of, or taking of any action upon, this information by persons or entities other than the intended recipients is prohibited. If you receive this e-mail and attachments in error, please contact the sender and delete the material from all computers and/or electronic retrieval systems. E&OE

IF OR WHEN FORWARDING THIS EMAIL: PLEASE REMOVE THE SENDERS EMAIL ADDRESS.

Philip Bensted

From: [REDACTED]@upalong.ws>
Sent: 25 July 2017 23:10
To: TDC Licensing
Subject: Little Albion Public House, Broadstairs

Dear sir,

I would like to object to fact that the Little Albion is under threat from closure.

I have lived at [REDACTED] Percy Road, for the last 35 years and from my upstairs windows and I have never heard any noise coming from that direction. During the summer months we usually have the windows open at the back of the house so any noise we would hear.

Speaking to my neighbours they have not heard anything either.

I am not a regular at the pub I have been in there a couple of times over the last 35years, but I favour the smaller micro brewry across the road of which I havent been there for over a year either!

I think that the pub should remain open as Broadstairs is gradually losing its local pubs.They are slowly being taken over by a certain group which is based in Broadstairs.

I hope that you will take this email as support for The Little Albion to remain open with its music Licence

Your sincerely

S.Coleman

[REDACTED]
[REDACTED] Percy Road,
Broadstairs,
Kent. CT10 2BJ

Philip Bensted

From: [REDACTED]@btinternet.com>
Sent: 05 August 2017 08:57
To: TDC Licensing
Subject: Little Albion st Peters Road

I understand that the Little Albion pub is due to have its licence reviewed by TDC on Thursday, August 10 on the grounds of public nuisance.

I live a few doors down the road at [REDACTED] St Peters Road and write to inform you that the pub is not a public nuisance. I don't visit the pub but do not consider there to be any problems with it and any noise made there.

Please do not revoke their license.

[REDACTED]
Sent from my iPad

Philip Bensted

From: [REDACTED]@gmail.com>
Sent: 09 August 2017 20:36
To: TDC Licensing
Subject: The Little Albion representation

To whom it may concern;

I write to express how impressed I've been with the environment and staff of The Little Albion pub over the last few years.

The beer, food and welcome provided by the landlord, kitchen and bar staff have been a regular staple of days (and evenings) out for our family, as well as the wide range of live music offered and enjoyed by ourselves and other locals.

In my experience the pub is well attended by a considerate and friendly local client base.

Having also performed there recently with our band, I witnessed at first hand the pub's thoroughly professional approach to providing entertainment for the public.

I look forward to supporting and enjoying The Little Albion and wish the landlord and staff the best for the future.

Yours

[REDACTED]

Sent from my iPhone

Philip Bensted

From: [REDACTED] <[REDACTED]@gmail.com>
Sent: 25 July 2017 16:25
To: TDC Licensing
Subject: The little albion

Good afternoon,

Although it would be a shame for the little albion to close, I have to agree with their licence being revoked! I live at number [REDACTED] Sowel street, I have complained numerous times to the council regarding noise disruption & anti social behaviour. I have also had to call the police twice due to customers outside in the early hours of the morning fighting. I have spoken to the landlord on numerous occasions; normally late at night or early hours of the morning to ask him to turn the music down & stop customers shouting outside always with no effect! And the only time I went in to the pub for a drink with my friend I was offered cocaine from a 'local', I told the landlord straight away & he knew the person so didn't ask him to leave!! It's such a shame but unfortunately I wouldn't be sad to see it go!! I along with many other local residents have had enough of the noise and disruption!

Regards

[REDACTED]
Sent from my iPhone

Philip Bensted

From: [REDACTED]@gmail.com>
Sent: 07 August 2017 00:21
To: TDC Licensing
Subject: Re: The Little Albion Inn

Dear Licensing,

We own the house which is [REDACTED] to the Little Albion and this is our recent experience of the late live music played in the pub. On Saturday 1 July at about 10.30 pm we were aware of a loud conversation that appeared to be coming from just outside our house. On investigation, there were 2 women from the pub sitting on the steps leading to our front door drinking and talking loudly. They took no notice when I switched the hall light on or when I opened the front door. I asked them to move as I had a baby in the house trying to sleep. One of them acknowledged me and said as I had a child they would move which eventually they did. They were going to leave their glasses on the steps but I asked them to take them which they did by throwing them in my wheely bin. The steps were left very wet which I had to wash down. The music that night went on until 1am which seems very unreasonable in a residential area.

The pub is fairly small and I imagine gets hot very quickly and as a result the entrance door is kept open to provide ventilation. When the pub gets overcrowded, people spill out onto the narrow pavement by the junction of St. Peter's Road and Sowell Street. As a result, not only do local residents hear the unwelcome increased noise of the music but also groups of people socialising loudly outside the pub at the junction.

I saw in the local paper that a petition had been started to support the pub and I feel I must object to the wording of this petition which is inaccurate. 'The Little Albion, a lovely family friendly pub'.....if only.

Local residents are not complaining about a family friendly pub, the problem comes when it becomes a late night party pub at weekends for which it is too small to hold all its customers and in the process is regularly disturbing local families who are trying to sleep. This is a residential area away from the town centre and main roads. Playing live music after 10 to 10.30pm with the pub door open is pretty anti-social and unreasonable behaviour on the part of the pub management.

I do not know what the licensing laws currently are for The Little Albion but feel as part of the licence review, regard must be given to the reasonable wishes for those living nearby to peacefully enjoy their weekend evenings and nights.

Yours sincerely

[REDACTED]
Upton Road
CT10 2AS

Sent from my iPad

Philip Bensted

From: [REDACTED]@y.co.uk>
Sent: 28 July 2017 09:59
To: TDC Licensing
Subject: Little Albion Pub

Re: Licencing Review Board, a representation:

Dear Sir/Madam

As close neighbours of the Little Albion Public House we have been subjected to excessive and unreasonable late night noise mainly on Friday and/or Saturdays nights since around the middle of 2016. The noise is in the form of extremely loud music, on one night there was a horse race evening and we could clearly hear the compare's amplified talking and the shouting when the races started in our property in the same way that we can hear the music on the weekend music nights. Apart from the obvious nuisance of the unreasonable noise level the main impact has been that, as the noise can be heard in the bedrooms, we are unable to go to bed until the music stops which often goes on until midnight or 1am or later.

Unfortunately, Summer has made a bad situation worse. The warm weather means that we need to have our windows open at night and unfortunately the Pub has had theirs open as well, as have been both front doors.

Apart from specific event-noise the other issue is with the associated antisocial behaviour of people coming out of the pub and causing disturbances. The nature of this noise varies from loud talking to shouting and arguing and occasionally fighting. Quite often there are more than 10 people outside the pub and in the beer garden to the side being very loud. Then after the pub is supposed to close at 1am there can be 30 minutes to an hour of people hanging around outside talking and shouting. We frequently get couples or groups of people shouting or arguing as they leaves the pub and go past our property. There are cars arriving to pick up people revving, car doors banging, people sitting on the benches outside or in the beer garden talking loudly until way after closing time.

Even though the noise from whatever specific pub event was over we cannot sleep until the antisocial behaviour and associated noise has stopped. Specifically, recent incident have included a late night noise outside our property, on looking out of the window there was a drunk guy urinating in the street up a neighbour's fence. Another time a young girl, so drunk she fell over in the road, was being shouted at by presumably her boyfriend, this one was on 14th July 2017. The same evening at 12:45am the publican could be heard shouting and arguing in a loud and aggressive manner with another man outside the pub for at least 10 minutes. These are just a couple of examples of the many antisocial noises and incidents that we have had to put up with over the last 10 months or so. Despite calling the pub (occasionally going in there personally to complain) nearly every weekend up to the start of July asking them to turn the music down or off there has been no attempt to curtail the noise at all by the landlord until the middle of June (when the council got seriously involved). Before then it was getting worse and worse in terms of volume and frequency of music events but even though the antisocial behaviour has reduced because of the fewer music events the landlord and the pub's customers are still causing problem for local residents.

Since Thanet District Council's Environmental Health Department got involved in this case the music has quietened down but we've still been affected by people-related noise and heard a couple of weekend lock-ins or late-night parties spilling out into the beer garden or upstairs where the windows were open until gone 3am. Again, with taxis arriving at all hours to pick people up with the associated drunken loud goodbyes outside the pub and slamming car doors. I mean they don't even try to leave quietly.

Nobody wants the pub to close and I'm sure we've all got better things to do than deal with this but we are all supposed to live in a civilised society and behave in a reasonable way. It is very unfortunate that the landlord of The Little Albion Public House puts his business and his staff's jobs at risk because he will not take responsibility for himself, his pub or his clientele and clearly believes that he can do what he wants when he wants until silly-o'clock and the local residents local just have to put up with it.

Philip Bensted

From: [REDACTED]@btinternet.com>
Sent: 31 July 2017 20:02
To: Amanda Berry; TDC Licensing
Subject: Re: The Little Albion Inn

Dear Mrs Berry, TDC Licensing

The comments that we would like to make in response to your email and for this license review are as follows, We understand that there have been complaints regarding noise levels at The Little Albion. Our comments below are made as neighbouring residents.

As residents living nearby to a local pub we accept that there are times when there will be some noise nuisance. There have been occasions in recent months, however, when noise levels at The Little Albion have been significantly increased in comparison to similar events in previous years. This is mainly at times when bands have been playing or dj events. These have mainly been on a Friday or weekend night. To be fair to the Little Albion these are not every weekend, but when they do happen they have caused increased noise during and after the event when people leave the pub.

One of the main areas of our concern is the permanent siting of 2 tables with benches on the pavement. These generate significant noise with people drinking on the street. Frequently, they also become a point of congregation for people returning from premises elsewhere after closing time and resulting drunken conversations. In recent weeks there have been examples of this at 2am and 3.30am

Whilst not wanting this license review to result in the landlord losing his license, our request would be for an outcome of reduced noise levels at the time of events at the pub, and for the removal of the pavement tables and seating which are the cause of noise nuisance particularly late at night and early morning

Yours Sincerely

[REDACTED]

Agenda Item 4

Annex 4

[REDACTED]
Sowell Street,
Broadstairs,
Kent,
CT10 2AT

The Licensing Department,
Thanet District Council,
P.O Box 9,
Cecil Street,
Margate,
Kent.

8th August 2017

Ref: The Little Albion Inn

Dear Sirs,

Background & Relevant Legislation

The Licensing Act 2003 sets out the regulation under which a licensee should provide the sale and supply of alcohol, the provision of entertainment and the provision of late night refreshment, and about offences relating to alcohol and other connected purposes. A Premises License is a license granted under Part 3 of the Act that authorises the premises to be used for one or more licensable activities.

The Premises is currently licensed for the provision of Live Music (indoors) until midnight every day (2am on New Years Eve) and for the provision of Recorded Music (indoors Sunday – Thursday until midnight, Friday & Saturday until 1am. Notwithstanding this fact, it is still the responsibility of the Licensee under the Act to promote the Licensing Objectives, one of which is *'the prevention of public nuisance'*.

When considering issues of public nuisance, one should also take regard of the Anti-social Behaviour Act 2003, as well as the relevant licensing regime. Music should not cause a Statutory Nuisance. A Statutory Nuisance is defined as something that unreasonably interferes with the use and enjoyment of a neighbour's home.

The GLA Licensing Act 2003 [GLA], published 7th April 2017, states *'it is important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working in the area around the premises which may be disproportionate and unreasonable.'* The Sowell Street/St Peter's Road Junction is at the heart of a primarily residential area set back from the main thoroughfares in Broadstairs Town. A resident must expect to be able to enjoy their

homes without noise nuisance on a regular occurrence across many months at unsociable hours.

The Effect of The Premises on the quiet enjoyment of my home

I, [REDACTED], reside at [REDACTED] Sowell Street, Broadstairs, and thus would be regarded as a 'neighbour' to the Premises. Since August 2015, I have recorded numerous occasions when the Premises has caused significant interruption to the quiet enjoyment of my home, both during and outside of Licensed Hours.

I have made several attempts to speak with the operator (Saturday 6th May 2017 @ 23.52 and Sunday 13th May @ 01.30). On both occasions, I contacted the Little Albion to ask for a reduction in the noise as the recorded music could be heard clearly above my TV with my windows closed. I explained that I was a neighbour and on the latter occasion he explained to me that he had a license for the activity, although polite, he clearly had no regard for his neighbours. You will note that the music was still on at 01.30 – in fact after his licensed hours. The current operator has no regard for the prevention of public nuisance to his neighbours and therefore the Licensing Authority must act to regulate this Premises in order that it can achieve the Licensing Objectives, in line with Thanet District Council's Statement of Licensing Policy updated January 2016.

I append at Annex A, a log that I have maintained since August 2015 detailing all issues of noise-related nuisance from the Premises. On multiple occasions there has been both live and recorded music being played on until 01.30.

Often the music causes a public nuisance much earlier in the evening, with it hard to hear the TV inside my house from 21.00, with the windows closed due to the levels of the noise coming from the Little Albion. [See Log 10th Feb 2017, 8th April 2017 & 25th March 2017 as examples.]

The operator has continually shown disregard for the authorities as proven when the local environmental nuisance control team visited my home, took down evidence including the titles of each song heard whilst in my bedroom, and then visited the premises in order to ask for a reduction in the noise as well as ancillary matters including closing of the windows, but within 7 days the same noise nuisance could be heard and similar levels, and continuing passed the prescribed licensing hours.

The fact that the operator 're-offended' and the team were called out on multiple occasions over the 8 week complaint period shows that he has very little respect for the approach as set out in GLA 11.10 '*where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns*'. None of these steps were undertaken until the matter was escalated to a license review.

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The licensee's disregard for the law in spite of advice and guidance from the Local Authority must prove to the review that a condition of the premises license preventing all live and recorded music should be imposed.

I must draw your attention to Saturday 1st July 2017. At 4 am, the noise could be heard from within my house, both verbal and amplified recorded music. It was clear that there were multiple patrons or guests still in the beer garden part of the premises. [Enclosed by email date stamped video footage of the exterior of the premises where the noise is clearly audible together with examples of volume that can be heard from] Although the License Holder lives at the premises, he fails to recognise his duties that the prevention of public nuisance apply at all times to the premises.

With regard to other public nuisance, despite a polite request to move the times of the collections of the bottle bins, this continues to happen at unsociable hours ranging from 04.58 to 06.13. In order for the Little Albion to continue to trade, a condition restricting the collection of bottle bins to between 08.00 and 18.00 should be placed on the license.

On frequent occasions the patrons of the pub, upon leaving or using the pavement as a smoking area, are extremely loud. It is the licensee's job to minimise this risk by advising his patrons to leave quietly and respect the premises' neighbours. This has not been done (see 3rd March 2017 and 13th July as an example).

The licensee's disregard for the law makes it incumbent on the local authority to add conditions to the license preventing recorded or live music at this venue at any time of the day under section 177A(4) in spite of the fact that deregulation allows for a premises to play both recorded and live music between 08.00 and 23.00 without a license. In doing this, the business can continue to trade, whilst the authorities can satisfy themselves that there can be no noise nuisance from live or recorded music and that there will be no late night public nuisance caused by patrons leaving or using the St Peter's Road pavement as a smoking area.

Yours truly,



[REDACTED]
Sowell Street
Broadstairs
Kent
CT10 2AT

Thursday 18th May 2017

Dear Miss Berry

Please find enclosed the following:
Record of Nuisance form WK/201713881
Record of Nuisance form WK/201713860
Copy of record of Nuisance form WK/201636039

I write to you regarding The Little Albion Inn and The Four Candles.

As you will see from the list attached to the Record of Nuisance forms, my complaint is mostly about The Little Albion inn rather than The Four Candles. The issue with The Four Candles is about noisy drinkers outside the pub when smoking/during the warmer weather. The issue regarding The Little Albion Inn is very loud music that seems to be escalating week by week.

I wrote to you last year regarding these issues but never heard anything back.

The noise coming from the Little Albion Inn is getting louder and louder, so much so that I cannot have any windows open whilst their music is being played, I also have to have my TV turned up very loud just so I can hear it over the noise. This is happening frequently and is seriously impacting my quality of life at the weekend.

Would you be kind enough to answer the following questions for me?

- 1) What is the legal noise limit that music can be played at during the evening in a residential area?
- 2) What are The Little Albion's licensing hours and are they allowed to play music during said hours? If their license is until 1pm does this mean they can play music, at any volume they choose, until that time? I have spoken with TDC several times and have asked for their licensing hours and if loud music can be played after 11pm yet no one seems to be able to give me an answer.

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3) What are the permitted noise levels for the pub customers sitting outside on the benches especially when they are being really loud late at night? Do these benches have a license? Again, if they do, what considerations are given to neighbours when granting these licenses especially given they take up a considerable amount of space on the pavement which at times results in members of the public having to walk in the road due to the overspill?

4) What consideration is given to neighbouring properties when the Local Authority decides on licensing for pubs such as the Little Albion? The pub is located in a popular residential area, surrounded by family homes. Is it given any thought when allowing said licences? Do residents not have a right to peace and quiet and the ability to get a nights sleep after 11pm? Some days I have to leave home for work at 6.30am, not much fun when the pub 30 metres away is playing ridiculously loud music until the early hours.

5) Has anyone else in the surrounding area complained about the noise? If this is a question that comes under the Freedom of Information Act then please take this letter as my official request for said information.

6) I submitted Record of Nuisance form WK/201636039 at the end of October 2016 listing dates of noise and asking all of the above questions yet I never heard anything back. What have you done with the Record of Nuisance form WK/201636039? What have you done with the information I submitted online on 2nd April this year? Again, this email included all the questions above and listed all the noise nuisances from the notes app on my iPhone including those from Record of Nuisance form WK/201636039. Lengthy this email may have been however I felt it was significant for you to receive all the past history so you can see how the problems are escalating.

I fully understand that I live near a pub and a certain level of noise up to a certain time is to be expected. When I moved here 6 years ago the only pub in the street was The Little Albion and the noise was on the rare occasion. Now there are 2 pubs to contend with, both of which have a massive overspill outside, even more so in the summer resulting in lots of loud talking. Again, up until 11pm a certain level of noise is to be expected but what is the legal limit for this noise level? Does this limit change after 11pm? With music also from The Little Albion late afternoon/early evening every Sunday the weekend can often be ruined by the noise coming from the pub.

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I personally believe the problems are only going to get worse once the warm weather arrives and windows and doors are open meaning not only will the music become much louder but the noise outside will increase. When does all this stop becoming a noise nuisance and actually become anti-social behavior?

I would very much appreciate it if you could look into this for me and any advice would be gratefully received.

I look forward to hearing from you.

Yours sincerely,



CC: P Bensted, Licensing Department, TDC
Craig McKinley MP (withheld until the results of the general election)
Rob Kenyon, Director of Community Services, TDC
Councillor R Dexter
Councillor I Gregory
Councillor J Savage

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[REDACTED] Sowell Street, Broadstairs, Kent, CT10 2AT.

Noise nuisances recorded since submitting record of noise nuisance forms WK/201713881 and WK/201713860. Nuisance Control Service reference number 17/023.

Saturday 20th May - Little Albion Inn. Loud music until 1pm

Saturday 27th May - Little Albion Inn. Music at a perfectly acceptable level until 10.20pm. After this it was very loud, same as previous weeks as in I could hear it over TV and with windows closed.

Letter received from Environmental Services – Noise Control Services, on 30th May 2017 with contact details for out of hours noise nuisance reporting.

2nd June 2017. Little Albion Inn. Very loud band. Called Nuisance Control Service at 10.26pm. They were already at another address within the area. Came and monitored the noise.

5th June 2017. Little Albion. Bottle bin emptied at 5.39am.

I was away on holiday from 11th to 17th June, returning the evening of 17th June.

17th June 2017. Little Albion. Very loud band. Called Nuisance Control Service. They came out at approx. 9.40pm. Also told me they listened at front door last night as also had a complaint last night. Listened at front door as we were away.

19 June 17. Little Albion. Woken up by bottle bin being emptied at 5.45am

23 June 17. Little Albion loud band and noise outside. Foreign students. Called Nuisance Control Service at 22.25. Came out. Music was much quieter at that point, possibly had door closed. Could still hear base very clearly. Lots of loud talking outside both pubs. They left about 22.50. Music got louder at just after 11pm, assumed was the finale. Ended at 23.20. Some noise outside pub, loud talking and music continuing to be played but not at same volume as earlier.

Sat 1st July 17. Little Albion. Woke up by loud music at 3.43am. Could not call Nuisance Control Service as this service is only available until 2am. Sounded like music

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was coming from the Little Albion but couldn't be sure so I drove past. The music was definitely coming from the Little Albion. Drove for security at that time of the morning. Back room light on but couldn't see if anyone was in the bar. Could hear people in garden. Music appeared to be coming from upstairs. Called pub, got through on 2nd try, asked them to turn music down which they did after about 5 mins. Followed by lots of loud talking. I recorded the activity and can forward to you if so required. They had had a band on the previous evening which finished early and wasn't too loud.

Sat 1st July. Little Albion. Came home at 23.40 and called Nuisance Control Service immediately due to noise from pub. They came out just after 12.15am and listened to noise in bedroom. On way home was lots of patron noise and people outside pub and 2 people sitting behind mosaics drinking from glasses. Photographs taken if so required.

Sat 8th July - Little Albion. Called noise nuisance officer at 9.44pm as loud musician. Not as loud as previous times but still loud enough to prevent us from sleeping. They arrived at about 10.15pm just as the music had got quieter. They said the windows were closed. Left at 10.20pm ish. Said if it gets loud again then just note it, don't need to worry about calling them. Music from Little Albion got very loud again at 10.50pm.

Sun 9th July - Little Albion Inn. Music being played quite loudly. Sounded live at around 9pm and then recorded at 9.30pm. Patron noise and argument with lots of swearing just after 9.30pm for about half an hour.

Thursday 13th July. Little Albion. Lots of outside patron noise. 21:10. Lots of patrons on benches outside Little Albion, Sowell Street side. Called Nuisance Control Service at 22.07 as got very very loud. They asked if it was worth them coming out as have to come from Birchington. I said I was more than happy with logging the nuisance with them over the telephone. Said to call out again if music from Little Albion gets louder. Music from Little Albion wasn't the problem, it was the patron noise outside. Videoed from bed, bedroom window and front of house. Drinkers outside Little Albion noticed me videoing so went inside.

Monday 17th July - Little Albion bottle bins emptied at 5.49am

Philip Bensted

From: [REDACTED]@aol.com
Sent: 10 August 2017 23:46
To: TDC Licensing
Subject: Little Albion Inn, Broadstairs

Dear Sir/Madam,

I would like to comment on the review procedure regarding the Little Albion Inn pub in Broadstairs. We live in close proximity to the pub and we have had some issues over the past few months. There has been regular occasions when the noise level has been what we considered unacceptable, going on until 1/2am. It is not the live music which is the problem - that is perfectly fine. However the party nights or DJ nights are at a much higher volume and go on into the early hours in what is a quiet residential area. This also brings with it rowdy behaviour from some, which involves shouting and swearing and some instances of fighting. We've lived here for quite a few years and never had any real problems with the pub until the current management. We don't want the pub to lose their license but do think it should be modified to take into account local residents environment and music not go on beyond 11/12pm.

[REDACTED]

THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
 - exercises functions of a public nature; or
 - is directed to charitable purposes; or
 - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992

If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the

matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

Gifts, Benefits and Hospitality

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £25 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

What if I am unsure?

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Democratic Services and Scrutiny Manager well in advance of the meeting.

DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS, SIGNIFICANT INTERESTS AND GIFTS, BENEFITS AND HOSPITALITY

MEETING

DATE..... **AGENDA ITEM**

DISCRETIONARY PECUNIARY INTEREST

SIGNIFICANT INTEREST

GIFTS, BENEFITS AND HOSPITALITY

THE NATURE OF THE INTEREST, GIFT, BENEFITS OR HOSPITALITY:

.....
.....
.....

NAME (PRINT):

SIGNATURE:

Please detach and hand this form to the Democratic Services Officer when you are asked to declare any interests.