

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]

[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.

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]
[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.

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,



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

[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

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]

