

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

I Amanda Berry

*(Insert name of applicant)*

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

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

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
Faith in Strangers 17 Ethelbert Crescent	
<b>Post town</b> Margate	<b>Post code (if known)</b> CT9 2DY

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Faith in Strangers Ltd
Directors: Mr Richard Randles and Mr Jeremy Duffy

<b>Number of premises licence or club premises certificate (if known)</b>
LN/201800535

**Part 2 - Applicant details**

I am

**Please tick yes**

1) an interested party (please complete (A) or (B) below)

a) a person living in the vicinity of the premises

☐

b) a body representing persons living in the vicinity of the premises

- c) a person involved in business in the vicinity of the premises ☐
- d) a body representing persons involved in business in the vicinity of the premises ☐
- 2) a responsible authority (please complete (C) below) ☒
- 3) a member of the club to which this application relates (please complete (A) below) ☐

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

**Please tick**

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

**Surname**

**First names**

**I am 18 years old or over**

**Please tick yes**

☐

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

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

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

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

Name and address  Amanda Berry Senior Environmental Health Practitioner Environmental Health Cecil Street Margate Kent CT 9 1XZ
Telephone number (if any) 01843 577422
E-mail address (optional) amanda.berry@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 the prevention of public nuisance licensing objective; Environmental Health make the following observations in support of the review in accordance with Section 51 of the Licensing Act 2003. Members are drawn to Section on 'Prevention of Public Nuisance' of Thanet Council's Statement of Licensing Policy 2016 for consideration in respect of this review application, particularly 5.5 which states that the applicant will be expected to demonstrate suitable and sufficient measures are in place. Public Nuisance is not narrowly defined in the Licensing Act 2003 but takes its broad meaning from common law and considers the effect of licensable activities on persons living and working in the area which may be disproportionate and unreasonable.

Planning permission was sought and approved (F/TH/18/0875) for the 'Change of use of the first floor from nightclub to a mixed office (Use Class B1) and restaurant (Use Class A3 and A4) and arts venue (Use Class D1)'. Details of proposed sound insulation were submitted in pursuance and included a bespoke sound insulation system that would reduce noise. The details were agreed and approval was obtained - Annex A.

The Premises Licence was granted on 29th August 2018. The licence permits live and recorded music:

- Sunday to Thursday: 12.30am. 1am close.
- Fri/Sat and BH Sundays: 2.30am. 3am close.

Environmental Health started receiving noise complaints around Oct 2019. Of the noise complaints made to Environmental Health, 5 were from separate households within Cliftonville Court and one from their Residents Association. A record of the noise complaints received by the Council are attached in - Annex B.

Complaints stopped in 2020 during Covid and resumed again around May 2021 following easing of restrictions. The complaints mainly concern loud music although patron noise has also been raised by neighbours.

In order to investigate the complaints, complainants' were given access to a range of services. The services included the installation of specialist noise recording equipment and access to our Out of Hours Nuisance Control Service so Officers could attend to witness the problems first-hand.

Officer assessments and measurements are in Annex C and correspondence with Faith in Strangers in Annex D.

A recorder was installed within a complainant's property between 4th-9th June and Officers carried out a planned visit on 11th June 2021 at 23:00hrs. Both assessments indicated music noise was an issue; a site meeting was held with Environmental Health Officers and representatives of Faith in Strangers on 7th July 2021. A follow up letter was sent on 9th July to Faith In Strangers.

A complainant called the out of hours Nuisance Control Service on Saturday 10th July at around 23.00hrs. Officers witnessed loud music and other premises related noise within a complainant's flat. The case officer emailed Faith in Strangers to arrange a further visit to give advice and guidance regarding acceptable music sound levels. On 20th July, Officers attended to carry out a sound test and advice was sent to Faith in Strangers in a letter dated 23rd July 2021.

Further Noise Apps were submitted by a complainant over weekends 6th/7th and 12th/13th August indicating disturbance continued. A complainant called Out of Hours Service on Saturday 4th September; Officers assessed the noise to be a nuisance.

A noise recorder was installed at a complainant's home between 16th-20th September and an Officer assessment was also carried out on Saturday 18th September. Both indicated noise nuisance.

The Council is under a duty to investigate noise complaints; where there is a Statutory Nuisance an Abatement Notice must be served requiring the nuisance to be stopped or specify works to be undertaken. A Notice was served on Faith in Strangers on 23rd September 2021 regarding noise from amplified music. Faith in Strangers have appealed the Notice.

A noise recorder was installed in Flat 1 between 24th to 27th September and Officers were called out to witness the noise on 25th September, 2nd October and 9th October. In all instances loud music could be heard from within the complainant's home and considered to be a nuisance.

Environmental Health has had ongoing communication in an effort to resolve matters informally. However, it is evident that the sound insulation proposed and agreed in the original planning application has not achieved the desired outcome.

Measurements taken indicate that existing levels are those typically obtained between residential flats not those required by a commercial use, especially one where regular musical entertainment is held. While some noise is to be expected from a licensed premises, where music is regularly occurring or occurs after 11pm it is simply not reasonable to impact on neighbours ability to sleep. Advice was given on acceptable levels until 11pm but this has not been consistently adhered to and levels after 11pm will need to be further reduced so as not to disturb sleep in neighbouring flats.

Broadly speaking, occasional infrequent entertainment noise can be tolerated until 11pm but frequent occurrence or entertainment noise after 11pm should not be permitted to interfere with sleep. Environmental Health asserts that there is sufficient evidence of a breach of the licensing objective of preventing public nuisance to residents in Cliftonville Court.

Therefore Environmental Health are seeking to review current licence conditions as well as an amendment to permitted licensable hours, as follows:

1) Remove the Live Music Act exemption; which deregulates Live and Recorded music before 11pm (suspension 74) and give renewed effect to an existing condition relating to music.

2) A noise limiting device must be installed and must operate at all times regulated entertainment takes place at the premises. The device must be of a type, in a location approved by the appropriate officer of the Council and set at a level:

LAeq	L10	L90	50Hz	63Hz	125Hz
81 dB	84 dB	73 dB	57 dB	65 dB	70 dB

3) All live and recorded music to be stop at 11pm.

4) All tables and chairs to have rubber socks fitted to legs.

5) Hand dryers not to exceed 80dB LAmax

With reference to condition 2; the applicants have already been given advice on an acceptable music noise level until 11pm. Should the applicant make subsequent sound insulation improvements then this level can be reassessed and hopefully increase. Environmental Health would be available to give advice in this regard. Once it is established that music noise is not impacting on the neighbour's ability to sleep, a variation to extend regulated entertainment could be sought with supporting information.

Annex A – Planning Application details

Annex B – Complaints

Annex C – Noise reports

Annex D – Correspondence with Faith in Strangers

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

☐ <sup>D</sup>

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



**Please tick yes**

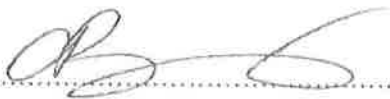
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

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

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

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

Signature



Date 19<sup>th</sup> October 2021

Capacity Senior Environmental Health Practitioner

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5) Amanda Berry Environmental Protection Officer Environmental Health Thanet District Council	
<b>Post town</b> Margate	<b>Post Code</b> CT9 1XZ
<b>Telephone number (if any)</b> 01843 577422	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b> amanda.berry@thanet.gov.uk	

**Notes for Guidance**

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

Annex A

## PLANNING APPLICATIONS TEAM

Our Ref: CON/TH/19/1214  
Please Ask For: Marie Brook-Smith  
Direct Line Number: 01843 577125  
Email: marie.brook-smith@thanet.gov.uk  
Date: 18 September 2019



Mr Richard Randles  
Faith in Strangers Ltd  
17 Ethelbert Crescent  
Margate  
Kent  
CT9 2DY

Dear Mr Richard Randles

### TOWN AND COUNTRY PLANNING ACT 1990

**PROPOSAL:** Application for approval of condition 7 (Noise) of planning permission F/TH/18/0875 for the change of use of first floor from nightclub to a mixed office (Use Class B1) and restaurant (Use Class A3 and A4) and arts venue (Use Class D1)

**LOCATION:** Franks Night Club , Ethelbert Crescent, MARGATE, Kent, CT9 2DY,

The Thanet District Council, as District Planning Authority, has now considered details submitted pursuant to conditions attached to the above mentioned planning consent.

I would confirm that the following conditions attached to planning consent reference number F/TH/18/0875 have now been approved:

Condition No's –

#### 7 Noise

Details in the following documents / plans submitted on 9th September 2019 and 14th September 2019 are considered acceptable.

Ceiling Cross Section  
Layout Drawing Showing Sound Proofing  
Layout Drawing  
Sound Measures  
Noise Reducing Measures

The following conditions require the submission of details to be approved in writing by the Local Planning Authority.

#### 4 (Odour Control)

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

01843 577000  
[www.thanet.gov.uk](http://www.thanet.gov.uk)

You should also refer to the decision notice for all conditions that do not require the submission of details but remain in force.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'E. Fibbens', written in a cursive style.

Emma Fibbens  
Chartered Planner

## **Pretext**

The purpose of this document is to outline all of the sound reducing materials and treatments used in the business 'Faith in Strangers', with the aim of controlled noise levels to that set out in planning REF: F/TH/18/0875.

## **Context**

Faith In Strangers will operate as a workspace for designers, artists and creative professions during the traditional working week and as an event space with sound system during the evening and at weekends. The building was originally used as a nightclub, firstly as Starlight and most recently as Franks.

## **Expertise**

Acoustician and managing director of F1 Acoustics, Robert Miller, was advised on both sound insulation and room acoustics.

## **Soundproofing treatments**

In order to ensure that noise escaping the premises is controlled to -5db below the background noise, measures have been taken in the refurbishment of the building. Noise reduction is being managed in two ways. Firstly, by a scheme of sound insulation that will reduce vibrations by decoupling materials from the building superstructure and layered materials designed to reduce airborne noise. See Annex 1, Annex 2 and Annex 3 for sound reduction treatment details. Secondly, the room acoustics and sound system will be designed to work together so that enhanced clarity of sound will mean that a lower overall volume is required.

During the construction phase, a narrow shaft approximately 200x100mm, was uncovered. The shaft, that runs from the premises ceiling up through the north facing flats, was hidden by a piece of 12mm ply. This will have been a weakness in the premises soundproofing dating back many years. To resolve this issue and meet current fire regulations. 3 sheets pieces of Rockwool PROROX SL930 (RW3), Firerated expanding foam and 2 pieces of 15mm fireboard were installed from below. Access from above allowed us to install loose fill Vermiculite to pack any gaps. Further, the owners of the flat immediately above the premises were in the process of renovating and instructed a builder to seal the whole thing with a 6-inch concrete cap.

## **Sound system - Amplified music**

Through the use of a multi-channel audio system, consisting of 34 speaker positions, we are able to play amplified music at a lower level, as no matter where you are in the venue, the sound source is closer to the customer. This is for lowering damaging sound levels, noise pollution reduction and also for a better quality and higher clarity of sound.

As part of that wish for clarity and high quality we also have high end EQ and Digital Signal Processing units that can deal with problem frequencies as well as limit the maximum volume.



In order to protect our customers' health as well as reduce the impact on neighbours, our sound system will never exceed 100db - but anticipate in being played at significantly lower volumes for the majority of events.

Our sound engineer will tune, adjust and limit the system to ensure that the sound system does not breach the planning conditions set out by the EHO in F/TH/18/0875.

### **Acoustic Treatments**

We have spent time designing acoustic treatments that absorb sound waves and deter standing waves, therefore to achieve a higher clarity of sound at a lower volume. This also stops customers having to shout above each other which in turn stops the venue having to push a higher overall volume.

### **Testing and measuring**

Testing will be carried out on a bi-annual basis, measurers recorded and made available to the local Environmental Health Office. A class 1 Castle Sonus sound level meter was hired for the initial measurements taken below.

### **Background noise**

The sound will be measured from three locations see Annex 4. In accordance with the planning requirements, A-weighted background noise measurements were taken for a 15 minute duration - LAeq 15. It was noted that the west side, which is elevated away from the main road was less effected by vehicular activity.

Results below were taken on Friday 13<sup>th</sup> September 2019.

<b>Location</b>	<b>LAeq (Average)</b>	<b>Time</b>
East side	55.8dB(a)	23:00-23:15
North side	60.4dB(a)	23:16-23:31
West side	48.9dB(a)	23:32-23:47

External facing double glazed  
units -31db, Acoustic Curtains -5db (Total -36db)

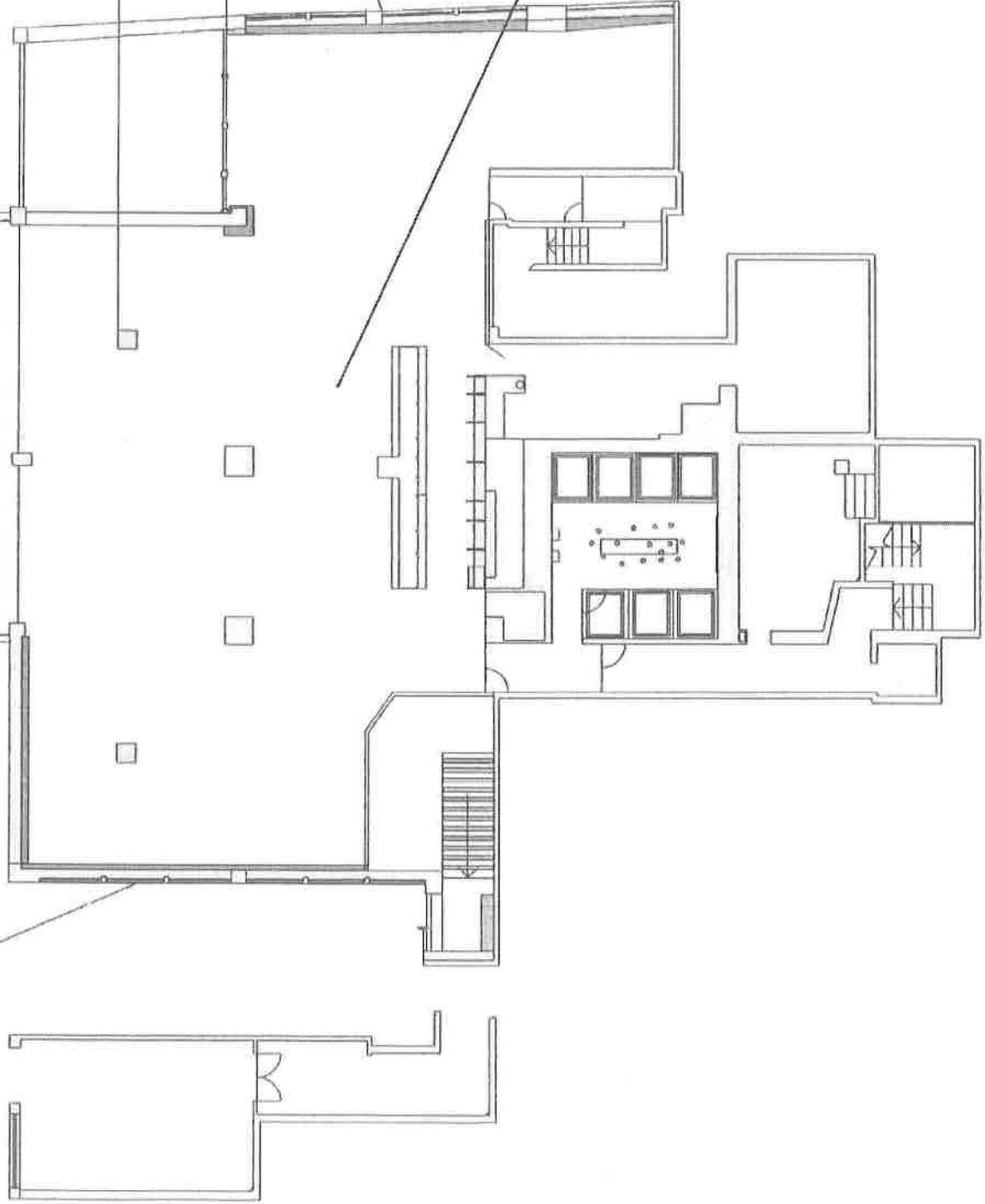
External facing double glazed  
units -31db, Acoustic Curtains -5db (Total -36db)

Double glazed acoustic Acrylic (, air gap,  
acrylic top skylight reduce 60db

External facing double glazed  
units -31db, Acoustic Curtains -5db (Total -36db)

External facing double glazed  
units -31db, Acoustic Curtains -5db, secondary  
acoustic glazing -52db (Total 88db)

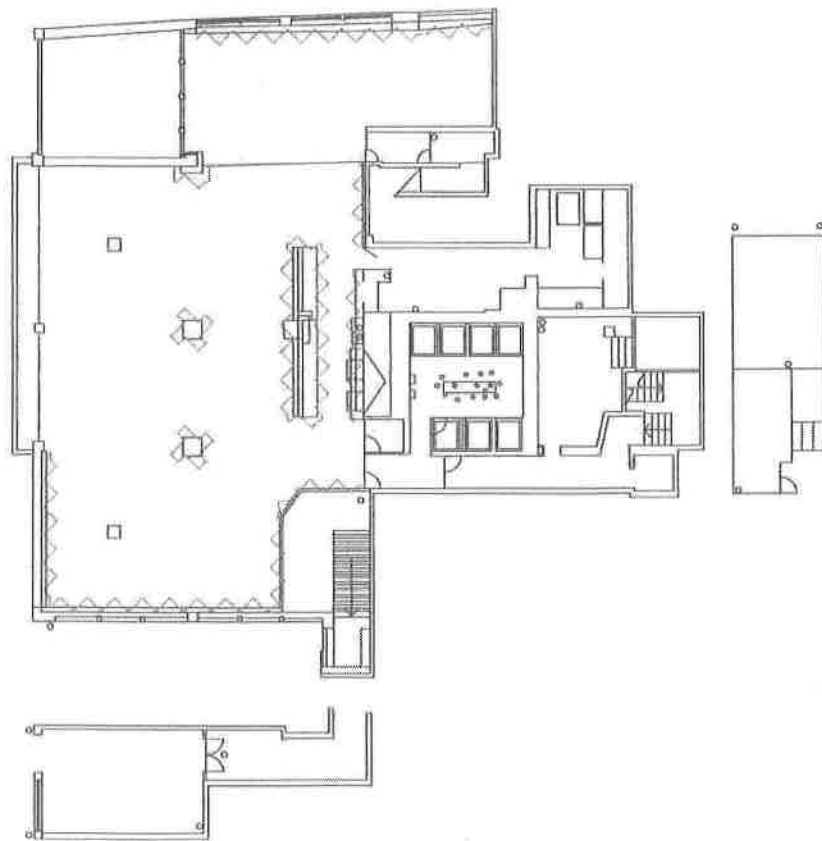
Bespoke ceiling see annex 1.  
Noise reduction -120db to -140db



# LAYOUT DRAWINGS SHOWING SOUND PROOFING FEATURES FAITH IN STRANGERS MARGATE UK

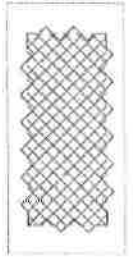
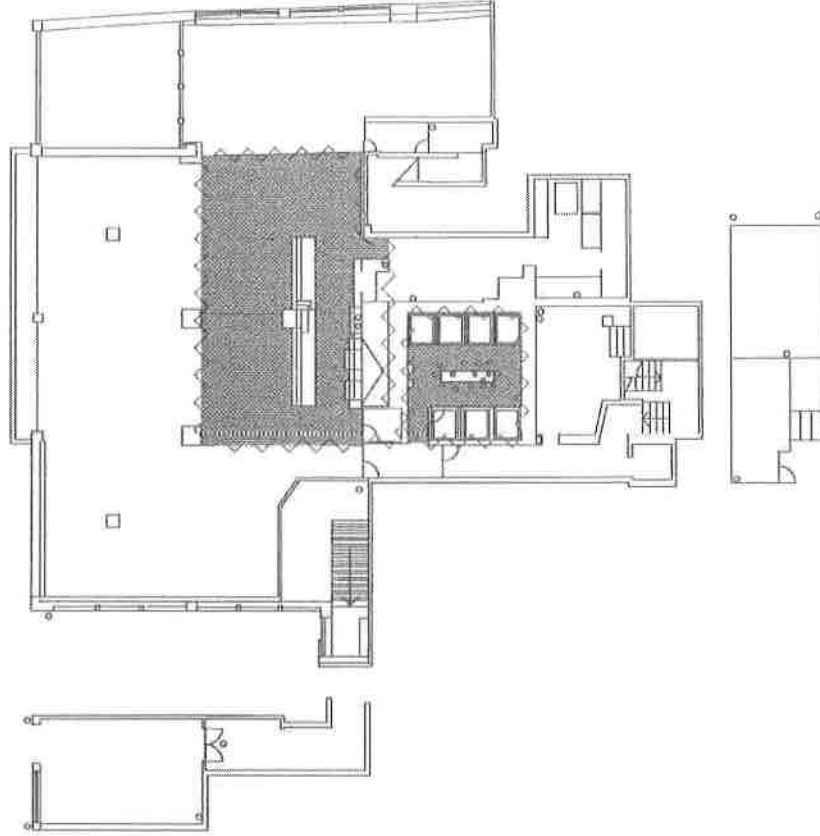
DRAWINGS NOT TO SCALE. UNITS IN MM.  
FOR SOUND PROOFING RECORD BY FAITH IN STRANGERS MARGATE.

ACOUSTICALLY ISOLATED STRUCTURES



THE PINK ZIG ZAG LINES SHOW AREAS THAT ARE  
ACOUSTICALLY ISOLATED AND BUILT WITHIN THE  
EXISTING STRUCTURE OF THE ROOM

FLOATED, SOUND PROOFED CEILING



THE BLUE ZONES REPRESENT THE AREAS  
WITH FLOATED SOUND PROOFING ON THE  
CEILING

**Notes:**

Planning Application Site	Total Site in Ownership
1	1
2	2
3	3
4	4
5	5
6	6
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9	9
10	10
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100	100

STUDIO TEKTO

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Joachim / Richard

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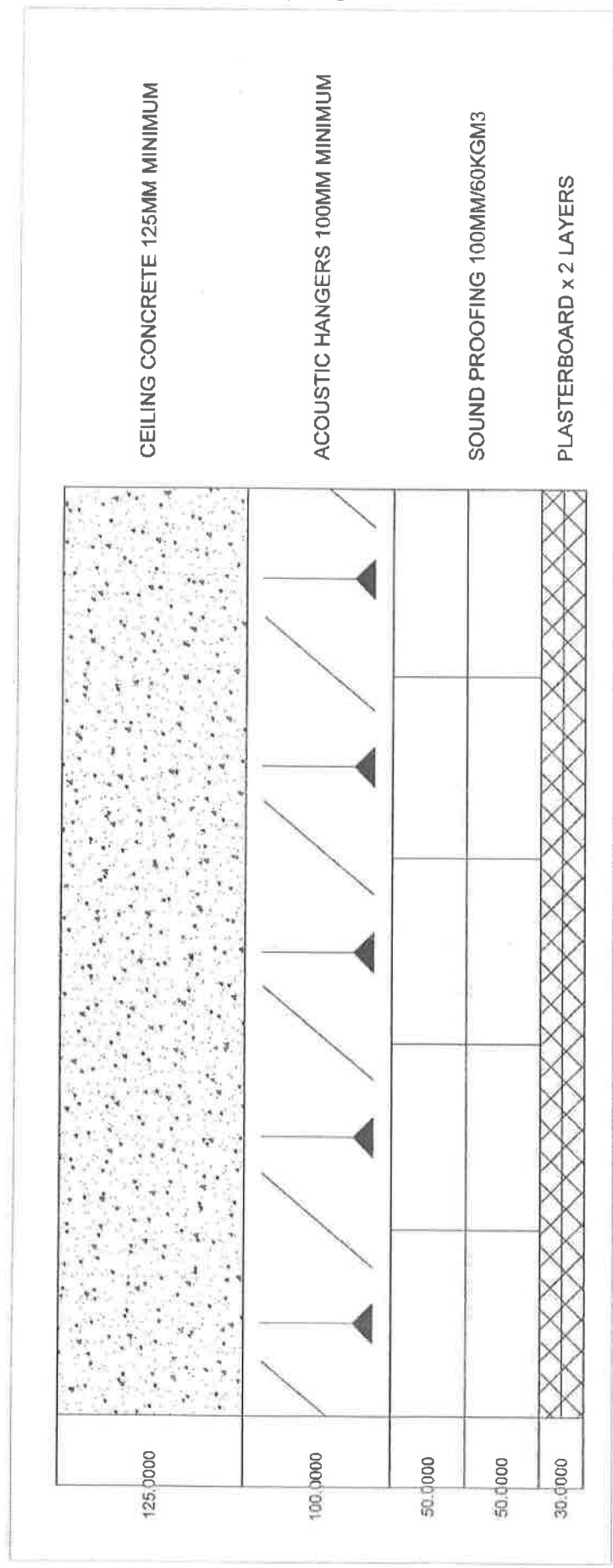
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24 Commerce Road, Boston, MA 02110



## SITE PLAN

# CEILING CROSS SECTION DRAWING & DIMENSIONS WITH IMAGES OF SOUND PROOFING ELEMENTS USED FOR FAITH IN STRANGERS MARGATE UK

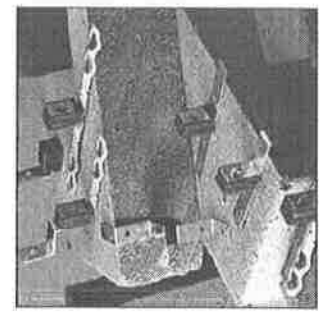
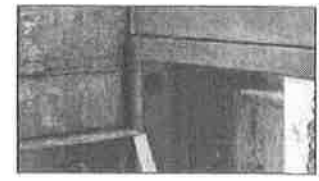
SOUND PROOFING ELEMENTS OBTAINED FROM CHRISTIE & GREY LTD  
[www.christiegrey.com](http://www.christiegrey.com) (images taken from website for display purposes)



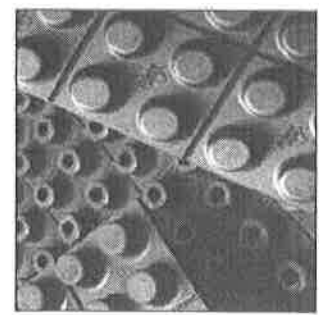
DRAWING NOT TO SCALE. UNITS IN MM.  
 FOR SOUND PROOFING RECORD BY FAITH IN STRANGERS MARGATE.



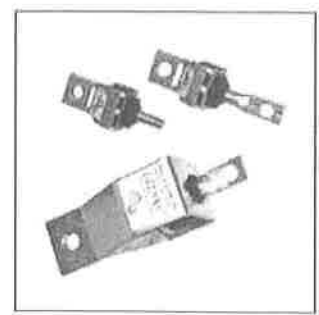
PHOTOGRAPHS ABOVE AND ABOVE RIGHT SHOWING SOUND PROOFING ELEMENTS ON SITE WHICH STOP THE SOUND PROOF WALL FROM TOUCHING THE EXISTING STRUCTURAL WALL



ACOUSTIC WALL TIES DESIGNED TO BS EN 845 WITH DRIP AND SAFETY FEATURES



ANTI VIBRATION STUDFLEX MATS AND PADS FOR AREA ISOLATION MOULDED IN FIRST GRADE NATURAL RUBBER TO BS5176



ACOUSTIC CEILING HANGERS ACH50 HOLDING UP THE CEILING

# Flying Colours

## DESIGN AND ACCESS STATEMENT 20.06.2018

Franks Nightclub

Ethelbert Crescent, Edgar Road, Cliftonville, Q19 0AF

Application for Change of Use.

### Contents:

- 1 - Proposal
- 2 - Existing Site
- 3 - Use Class
- 4 - Opening Hours
- 5 - Cycle Storage
- 6 - Waste and Extraction
- 7 - Access
- 8 - Highways
- 9 - Public Nuisance

### 1 - Proposal.

This planning application seeks permission for change of use. The property has been previously been granted planning permission:

*[Previous Application - FTL/17/0132, Change of Use from Nightclub (Use Class Sui Generis) to Restaurant (Use Class A1), offices and 1 No 2-bed self contained flat]*

Advice was taken from the pre-application meeting and the letter in response ((PRE/18/001)).

*Please note circumstances have changed and the new tenants are now only taking the first floor of the property.*

The Owners have been seeking a new tenant for the site since July 2016. The new tenants seek to discard the residential planning and retain the current use predominantly as Office (B1) but add ancillary use as a members Bar and Restaurant A3/A4, with the sale of hot food and an arts venue (D1) - Mixed Use. The main floor space will function as B1 no less than 51% percent of the time.

Please Recycle

# Flying Colours

The space will provide a place for freelancers, small businesses and entrepreneurs to rent a desk on an ad hoc or permanent basis and then relax in the evenings with their guests. It will enhance and celebrate Margate's arts and culture scene by hosting arts, performance and dining events. Entry to the workplace and establishment will only be granted to:

- Fully registered members
- Signed in guests of members
- Temporary members (ticketed)

This model has proved highly successful, internationally, by forming a creative entrepreneurial community among members. The new tenant has a proven track record of this with Creative Blocks and Curio Cabal in Shoreditch, London.

The space will be a well thought-out and forward thinking design, focussed on the sea view and bringing the external elements of nature inside. Flying Colours will strive to be energy efficient and incorporate sustainable technology at every feasible opportunity.

The project is very well suited to the economic plans for Cliftonville and Thanet, providing workspace and facilities for the local community, whilst helping contribute to the development of Cliftonville as a desirable residence to potential migrants from London and further elsewhere.

Cliftonville Court Residence and Leisure Complex was originally designed to be a social and economic hub in the local area. Flying Colours will contribute to restoring the building to its intended use and help to diversify the local identity.

## 2 - Existing Site

The old Franks Nightclub is on the north-east corner of the Cliftonville Leisure Centre Complex. The site also contains Buggy's Bowling Alley, Gains Amusements, Olympia Cafe as well as twelve existing flats known as Cliftonville Court set back from the front elevation. The site also benefits from being all in one ownership.

# Flying Colours



Franks has been vacant since the early 2000s. The rest of the site is active and in full and diverse occupancy. Both levels have previously enjoyed expansive sea views and the ground floor was a successful pub, The Bowlers Arms, for nearly 40 years. The last tenants operated a pub on the ground floor and a nightclub on the first floor.

## **I - Use Class**

See drawing [FRPEP.00\_Proposed\_Floor\_Plan]

Advice has been taken from the pre-application meeting and response (PRE\_PRL18\_0011)

Since then the tenants have decided to take the first floor only and remodel the business with a stronger, member based, offering.



# Flying Colours

## 4 - Opening Hours

Our office facilities will house many start-ups, sole traders and small companies that will be under their own time demands and pressures to meet deadlines. For this reason we will require 24 hour access for our members to use the space to work. The hours that we host licensable activities will be in accordance with permissions set by the Thanet District Council Licensing Department.

## 5 - Waste and Extraction.

The existing bin storage is perfectly adequate to serve the needs of proposed operations. Waste and recycling will be arranged to be collected after 9am as to not cause a nuisance to neighbouring residents.

The kitchen extraction system will meet all requirements of health and safety, building regulations and the outlet will be out to the private bin store area, at the back of the site. This is following the same route as the previous tenants.

See drawing for extraction route, **FR.PFP.00\_Proposec\_Floor\_Pans,**

## 6 - Cycle Storage

See drawing **FR.PFP.00\_Proposec\_Floor\_Pans,**

The Pre-Application response (PRE\_PRE18\_0011) called for:  
“secure and covered cycle parking should be provided in accordance with KGO standards.”

This will be achieved by making use of the securely locked and covered bin storage area as shown in the previously stated drawing.

## 7 - Access

See drawing for entrance and exit **FR.EEL.01\_Existing\_Elevations,**

See drawing for fire escapes **FR.PFP.00\_Proposec\_Floor\_Pans,**

Access to the site will use the northwest door, through a member only access system which leads into the lobby/reception area.

There are three alternative fire exits

# Flying Colours

## 8 - Highways

A condition of the previous planning permission stated that doors should not open out onto the public highway. Flying Colours seek no changes to current planning use. In the unlikely event that there is a queue to gain access, there is ample space in our lobby area, waiting on the public highway should not happen.

The business is being built for the local community, therefore the need for people to drive is not anticipated. If car parking is required then there is ample parking space available on the public car park above Olympia Cafe.

The building is served by local buses and taxi firms.

## 9 - Public Nuisance

As the space is a members only location with a guest sign in system, anti-social behavior is not anticipated nor any late night disturbances. Any performances will take place at the furthest point from the above residence, towards the Ethelbert Terrace Road. Our House Rules, which will be signed by members upon joining, will be strictly enforced and any anti-social behavior will result in membership being revoked.

CCTV will monitor the entrance and exit and all members will be reminded often to respect neighbours when leaving the property. The building was built as a leisure complex and has ample material between floors to resist the transmission of airborne noise.

Annex B

# Annex B

Ref	Dept	Date	Officer	Source Address	Details
WK/202157378	EH	11/08/2021	AB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Amplified music and noisy patrons
WK/202149276	EH	12/07/2021	CB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Music noise plus other Housing issues
WK/202147125	EH	02/07/2021	CB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Noise from music and people
WK/202141106	EH	11/06/2021	CB	No Source Specified	Amplified music
WK/202139844	EH	07/06/2021	CB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Amplified music
WK/202139842	EH	07/06/2021	CB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Concerns regarding noise from nightclub
WK/202137088	EH	26/05/2021	CB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Noise from internal doors/hand dryers in toilet
WK/202136652	EH	22/05/2021	AB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Amplified music
WK/202129481	EH	05/05/2021	CB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Noise from building works
WK/202048992	EH	25/07/2020	CB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Music noise from events
WK/201960329	EH	26/10/2019	CB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Noise from music
WK/201960248	EH	26/10/2019	CB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Amplified music
WK/201960938	EH	26/10/2019	CB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Music from event
WK/201956460	EH	04/10/2019	CB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Noise from construction
WK/201955326	EH	30/09/2019	CB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Music noise from events
WK/201951452	EH	04/09/2019	CB	No Source Specified	Change of use of first floor to a mixed office (B1) members bar and restaurant (A3/A4) and arts venue (D1) - TH/18/0875
WK/201904973	EH	29/01/2019	CB	No Source Specified	Residents Association Concerns over music licence being granted until 03:00 hours
WK/201904952	LIC	29/01/2019	JFB	No Source Specified	Concerned resident complaint re issue of licence until 3am
WK/201904862	EH	29/01/2019	CB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Concerns over music licence being granted until 03:00 hours
WK/201904779	EH	28/01/2019	CB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Noise from building works
WK/201904950	LIC	28/01/2019	JFB	Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA	Complaint regarding issue of premises licence until 3am

Annex C



## Environmental Protection - Nuisance Control Service

OFFICER DETAILS			
Name Christopher Brown		Date Saturday 10th July 2021	
Time Call Received	22:45	Time Departure	22:53
Time Arrived at Site	23:09	Time Left Site	23:43
Time Finished	23:55	Hours	1 Hr

DETAILS OF CALL	
Complaint of: Loud music	
Details of Complainant	[REDACTED] Cliftonville Court, Margate
Source of Complaint	Faith in Stranger, Ethelbert Terrace, Margate


OFFICER REPORT			
<p>Description of Visit: Met Mark Kennedy outside and proceeded into Cliftonville Court. On entry to the flat I went and stood in the front room. At 23:10 I opened the window to the side facing the car park and this did not affect the music level in the room which was noticeable. When opening the sliding doors this slightly increased the level but not significantly. There was audible dance music with the sound of people noise. At 23:18pm I went into the bedroom. there was a clear base beat which was audible and noticeable. At 23:19 I opened the window and noise was drowned out by external noise however with the window closed the noise was more noticeable. At 23:21 I could hear movement of furniture i.e a scraping type noise. People noise was clearly audible with the noise from the movement of furniture. At 23:22 I went into the second bedroom and the noise level was considerably louder. At 23:27 I could hear chanting of 'its coming home'. There was a tapping noise which was clearly audible. In my opinion it would disturb sleep and prevent sleep especially in the second bedroom. We left at 23:29 and went downstairs and entered Faith in Strangers. I spoke to both owners and they used the music system to turn it down. The music was not significantly loud but conversation over 1 metre could not be heard. I then left the area and returned to my car.</p>			
Assessment:		Action:	
Not witnessed		Notes only added to M3	
Witnessed: no nuisance		Notice served	
Witnessed: nuisance	X	Passed to Area Case Officer	X



## Environmental Protection

### Nuisance Control Service

OFFICER DETAILS			
Name Amanda Berry		Date Friday 16th July 2021	
Time Call Received	22:45	Time Departure	22:50
Time Arrived at Site	23.10	Time Left Site	23:30
Time Finished	23:45	Hours	1

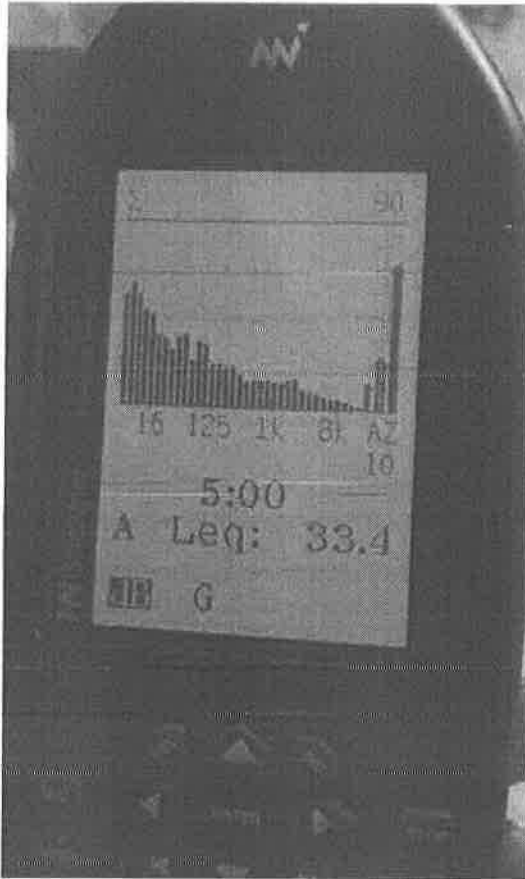
DETAILS OF CALL	
Complaint of: Loud Music	
Details of Complainant	 Cliftonville Court Ethelbert Terrace Margate
Source of Complaint	Faith in Strangers, Ethelbert Crescent Margate

OFFICER REPORT
<p>Description of Visit: Entered Flat with Simon Hogben Public Protection Officer, the music was just audible in the front living room. The complainant said music was much lower than last weekend as they didn't have a DJ on, only recorded music but that it was preventing her from going to sleep.</p> <p>Windows in the complainant's home were closed and extraneous people noise and passing traffic were at times audible.</p> <p>I took a 5min measurement using a Nor-140 SLM. The level was 33dBLAeq(5min); and the Lmin was 27dB. The frequency analysis does indicate low frequencies were pervading through the property from venue below and were annoying. If the music were at this level until 11pm and occasional it wouldn't be a nuisance but if regular and after 11pm it'd likely to be a nuisance at this level.</p>



Margate  
Friday 23:16

Edit



**Assessment:**

Not witnessed	
Witnessed: no nuisance	X
Witnessed: nuisance	

**Action:**

Notes only added to M3	
Notice served	
Passed to Area Case Officer	CB



## Environmental Protection

### Daytime Nuisance Control Service



OFFICER DETAILS			
Name Katy Lane		Date Sat 4 <sup>th</sup> September 2021	
Time Call Received	21:26	Time Departure	21:35
Time Arrived at Site	21:40	Time Left Site	22:05

DETAILS OF CALL	
Complaint of:	amplified music
Details of Complainant	[redacted] liftonville Court, Ethelbert Terrace Margate
Source of Complaint	Faith in Strangers

OFFICER REPORT	
Description of Visit:	
It was a windy evening and when arriving at the location there was no music audible externally. All windows to Faith in Strangers were closed. On entering the flat we were taken into the lounge, the TV was turned off. A light bass could be heard. The use of handriers in the premises below were also audible. The music became louder and singing could be heard but not at a level that you could distinguish the words. This was from a DJ/sound system.	
We took an assessment in the front and rear bedroom and the music could be heard in both rooms. It was louder in the front bedroom which is the bedroom used by the complainant. We opened the window and the sound of the wind and traffic drowned out the music. It was not an evening that you would want to have your windows open. I asked for the TV to be turned on. It was turned on at a low level which I did not feel was	
PTO ☐	
Assessment:	Action:
Not witnessed	Notes only added to M3
Witnessed: no nuisance	Notice served





## Environmental Protection

### Nuisance Control Service

OFFICER DETAILS			
Name Alison Stocker		Date Saturday 18th September 2021	
Time Call Received	planned visit	Time Departure	11:00
Time Arrived at Site	23:25	Time left	23:50
Time Finished	00:15	Hours	2

DETAILS OF CALL	
Complaint of: Music	
Details of Complainant	Margate Cliftonville Court, Ethelbert Terrace
Source of Complaint	Faith in Strangers, Ethelbert Crescent Margate

OFFICER REPORT
<p><b>Description of Visit:</b></p> <p>Picked up [redacted] from St Peters at 11:10 and headed to the above, an arrival we could hear music and lights flashing from Faith in Strangers, we walked to the front of the building and saw a queue of people waiting to enter.</p> <p>Once inside No. 3 music, patron noise and shouting could be heard from below. A DJ was playing disco type music. A whinny noise could also be heard from the hand drying machines in the toilets. Georgina explained that actually it was noisier last night, but hopefully the recorder had picked that up.</p> <p>Whilst there we visited [redacted] The layout of this flat was slightly different. We entered the lounge where we could hear the music, a drum beat from below, however not as bad as [redacted] They said they have more patron noise. They also have a small balcony which leads to overlooking the first floor car park, this attracts a lot of patrons from the club messing around. We could not go into the baby's room as he was sleeping. [redacted] explained he is often woken by the shouting and music from downstairs.</p>

They put the TV on number 8 which was substantial for the small flat, and the beat from down stairs could be heard. She explained that she thinks they are nearer to the toilets than Flat No 7 and often hear fights break out with raised voices.

When we left we walked to the front of the building, where the queue had grown, possibly 25 waiting to enter.

**Assessment:**

Not witnessed	
Witnessed: no nuisance	
Witnessed: nuisance	x

**Action:**

Notes only added to M3	
Notice served	
Passed to Area Case Officer	

## Environmental Protection

### Noise recorder transcription



<b>Complainant</b>	
<b>Name</b>	
<b>Address</b>	Cliftonville Court, Edgar Road, Margate
<b>Location of recorder</b>	Bedroom
<b>Source</b>	
<b>Name</b>	Faith in Strangers
<b>Address</b>	17 Ethelbert Crescent Margate
<b>Date of recordings</b>	From 16 <sup>th</sup> Sept 2021 To 20 <sup>th</sup> Sept 2021

Date recorded	Time recorded	Description of noise
Thurs 16 <sup>th</sup> Sept 2021	10:12 -10.17	Officer install, reference tone 70dB WAV0., confirmation of location/date/time WAV1. Calibrated and secured.
Fri 17 <sup>th</sup> Sept	19.54	Muffled voices and music audible, WAV 2
	19.56	Muffled voices and music audible. Complainant heard making notes. WAV 3.
	20.30	Muffled voices and music audible. Chairs being moved. WAV 4.
	20.52	Internal sound from tv heard initially but music and patrons audible above tv. WAV 5
	21.30	Music bass beat heard clearly, chairs scraping across floor. WAV 6
	21.56 – 21.59	Bass beat plainly audible and instrumental sound also heard. Brief pause in bass beat at 21.58.55 sees a drop of about 4dB but muffled voices from patrons still could be heard. WAV 7 & 8
	22.27-22.30	Repetitive thudding from bass beat plainly audible and intrusive, chairs being moved across floor. Complainant's phone sounds and music can be heard above it. WAV 9 & 10
	22.40	Music level has increased, bass beat and music clearly heard and intrusive. Almost discern the lyrics. WAV11.

PTO

Date recorded	Time recorded	Description of noise
Fri 17 <sup>th</sup> Sept 2021	23.00	Heavy bass beat and chair movements clearly heard. WAV12
	23.12	'I'm every woman one' lyrics are discernible in places and bass beat again intrusive. WAV 13
	23.30	Heavy intrusive bass beat 31dB. WAV14
Sat 18 <sup>th</sup> Sept	00.34	Heavy bass beat WAV 15.
	01.51	Music noise level has significantly reduced but is still present. WAV 16
	02.30	Voices from outside in street. No music audible. Occasional thud but unclear of source. NB Background levels drop to 18dB without music present. WAV 17
Sat 18 <sup>th</sup> Sept	19.52	Complainant movement initially. Singing from customers on external balcony. WAV18
	22.12	Music audible, chair movement. WAV 19
	22.36	Less intrusive than Fri evening but bass still noticeable. WAV 20
	22.44	Easily follow the rhythm of the song and beat is clear. WAV 21
	22.54	" "WAV 22
	23.04	Music is louder now, thudding plainly audible. WAV 23
	23.23	Louder again, intrusive bass beat (around 33dB) – would disturb sleep. Doorbell **TDC Officer arrives see report. WAV 24
	23.41	Music would disturb sleep around 29dB. WAV 25
	23.58	Music level has increased, vocals apparent, bass very intrusive. Hitting levels of 38dB. WAV 26
Sun 19 <sup>th</sup>	00.10	Intrusive music would disturb ability to sleep. WAV 27
	00.20	Intrusive music would disturb ability to sleep; rhythm clear, levels around 35dB, chair movement. WAV 28
	00.22	Complainant commentary re 'this is work your body by Diana Ross'. Bass frequencies would disturb sleep. WAV 29
	00.26	'somebody tell me' song can be discerned; levels around 34dB. Patrons can be heard singing. WAV 30
	00.41	Complainant commentary. Song discernible and music intrusive. WAV 31

	00.52 – 00.55	Madonna 'like a prayer' song clearly heard and commentary from complainant. Thumping noise extremely intrusive – at points reaching 39.4dB. WAV 32 & 33
	01.10	Complainant commentary 'hung up' by Madonna. Plainly audible. WAV 34
	01.26	Intrusive level of music. Wav 35
	01.58-02.02	Slightly lower levels but still intrusive, heavy bass beat pervading through to bedroom and would impact on ability to sleep. Thudding from doors not fitted with closures. WAV36 & WAV 37
	02.20	Levels reduced but bass noise still present but given time of night would still be considered unreasonable. WAV38
	03.30	Music now off. Movement of furniture causing noise level to jump from 19dB to 35dB. WAV39
	17.30	Movement of furniture across floor and doors. WAV40
	17.52	Noise from movement of furniture across floor. WAV 41
	17.58	Thumps and bangs from movement of furniture. WAV 42
Mon 20 <sup>th</sup> Sept	10.08	Officer collection, confirming date/time/location. WAV43


<b>Assessment:</b>		<b>Action:</b>	
Marginal		Advise complainant	
Definite	X	Serve Notice	X
No nuisance		Close case	
		Ongoing investigation	



## Environmental Protection

### Nuisance Control Service

OFFICER DETAILS			
Name Simon Hogben		Date Saturday 25th Sept 2021	
Time Call Received	23.15	Time Departure	23.20
Time Arrived at Site	23.41	Time Left Site	23:51
Time Finished	00.10	Hours	1

DETAILS OF CALL	
Complaint of: Loud Music	
Details of Complainant	 Cliftonville Court
Source of Complaint	Faith in Strangers, Ethelbert Crescent Margate

OFFICER REPORT	
<p><b>Description of Visit:</b> Met with _____ Goodall on Edgar Road, loud music could clearly be heard coming from faith in strangers night club located below the flats. Dance music with a heavy bass could clearly be heard in the living space of the flat. Vocals from the music could be made out but the main issue was the bass. The music could also be heard just as loud in the bedroom of the flat. Patron noise, furniture being moved and the hand dryer could all be heard in the flat clearly. Noise coming from outside the nightclub could also be heard in the flat as people queued and were entering the nightclub. It was a clear evening and all window were closed in the flat. The noise volume was about the same as my last visit which was on 11/9/2021.</p>	
Assessment:	Action:



Not witnessed		Notes only added to M3	
Witnessed: no nuisance	X	Notice served	
Witnessed: nuisance		Passed to Area Case Officer	AB

## Environmental Protection

### Noise recorder transcription



Complainant	
Name	[REDACTED]
Address	Flat 1 Cliftonville Court, Edgar Road, Margate
Location of recorder	Bedroom
Source	
Name	Faith in Strangers
Address	17 Ethelbert Crescent Margate
Date of recordings	From 24 <sup>th</sup> Sept 2021 To 27 <sup>th</sup> Sept 2021

Date recorded	Time recorded	Description of noise
Fri 24 <sup>th</sup> Sept 2021	10:28	Officer install, reference tone 70dB WAV0, confirmation of location/date/time WAV1. Calibrated and secured.
Fri 24 <sup>th</sup> Sept	23.44	Low level bass around 20dB, WAV 2
	23.50	Music just audible. WAV 3.
	00.04	Thudding – unclear origin. Music almost inaudible. WAV 4.
	00.24	Voice whooping, music in audible around 19dB WAV 5
Sat 25 <sup>th</sup> Sept	22.18	Music level has increased. Now clearly audible bass beat.WAV6. Around 25dB Complainant's dog snoring.
	22.38	Bass beat plainly audible. WAV 7
	23.08	Music level increases to around 29dB. WAV 8
	23.16	Clear rhythm, prominent bass. WAV9. Internal noise from dog.
	23.56	Heavy bass beat, around 30dB. WAV10 NB – NCS Officer visit at 23.41-23.51
Sun 26 <sup>th</sup> Sept	00.16	Heavy intrusive bass music. Would be difficult to sleep. WAV 11.

Date recorded	Time recorded	Description of noise
	00.48	WAV 12. Heavy bass music, chairs scraping across floor.
	01.06	Music level around 31dB. Bassy and intrusive. WAV 13
	01.22	Lower level 28dB but still plainly audible, patrons can be heard whooping. Brief gap in music an level drops to 24dB. WAV14
	01.44	Patrons audible whistling and shouting. Music increased in level again to around 31dB and heavy intrusive bass would prevent sleep. WAV 15.
	01.48	Stomping and whooping from patrons significant as well as bass. WAV 16
	01.54	Louder levels at around 34dB. Hollering from patrons along with the music. Intrusive. WAV 17
	02.00	Bass and music still plainly audible and significant. Vocals too. Dog snoring. WAV18
	02.10	Music plainly audible and intrusive – around 30dB. When bass drops out music level drops to 25dB. WAV 19
	02.14	Music, bass and vocals significant and would affect ability to sleep. WAV 20
	02.24	Hollering and whooping from patrons. 'I want your love lyrics audible and bass cause levels to increase to around 30dB. WAV 21
	02.30	Music stops at 02.31 to sounds of applause and whooping from patrons. WAV 22. See graph.
	03.07	Furniture being moved. WAV 23
	03.11	Furniture being moved. WAV 24
	03.15	Noise from movements of furniture plainly audible and impulsive. WAV 25
	03.29	Furniture movement. WAV 26
	09.31	Furniture movement. WAV 27
	09.54	Officer collection confirming date, time and location. WAV 28

<b>Assessment:</b>		<b>Action:</b>	
Marginal		Advise complainant	
Definite	X	Notice Served	X
No nuisance		Close case	
		Ongoing investigation	



## Environmental Protection

### Nuisance Control Service

OFFICER DETAILS			
Name Abigail Young		Date Saturday 2nd October 2021	
Time Call Received	19:05	Time Departure	19:14
Time Arrived at Site	19:30	Time Left Site	19:45
Time Finished	next call	Hours	1

DETAILS OF CALL	
Complaint of: Loud Music	
Details of Complainant	Flat Cliftonville Court, Ethelbert Terrace Margate
Source of Complaint	Faith in Strangers, Ethelbert Crescent Margate

OFFICER REPORT		
<p><b>Description of Visit:</b> Met with Alison Stocker outside Cliftonville Court, it was raining and windy on arrival and no music could be heard from the street.</p> <p>When we entered Flat at 19:30 the beat of the music was audible in the hall; on approach to and once in the lounge the music was plainly audible. The music was DJ/ Disco music and the lyrics were also detectable. Patron noise was also distinct above the music, I witnessed footsteps on entry to the facility, chairs being pulled and the hand dryer.</p> <p>The noise was intrusive and would affect the use and enjoyment of the property. The music level remained constant throughout the duration of my visit.</p>		
<table border="1"><tr><td>Assessment:</td><td>Action:</td></tr></table>	Assessment:	Action:
Assessment:	Action:	

Not witnessed		Notes only added to M3	
Witnessed: no nuisance		Notice served	
Witnessed: nuisance	X	Passed to Area Case Officer	



## Environmental Protection

### Nuisance Control Service

OFFICER DETAILS			
Name Mark Kennedy		Date Saturday 9th October 2021	
Time Call Received	23:06	Time Departure	23:08
Time Arrived at Site	23:20	Time Left Site	23:30
Time Finished	23:55	Hours	1

DETAILS OF CALL	
Complaint of: Loud Music	
Details of Complainant	Cliftonville Court, Ethelbert Terrace Margate
Source of Complaint	Faith in Strangers Ethelbert Terrace Margate

OFFICER REPORT	
<p>Description of Visit: Met with Abigail Young to carry out the visit. It was a mild evening and people may want their windows open for ventilation.</p> <p>When we entered Flat 1 the music was plainly audible and pervaded the front living room and all rear rooms. The music was clearly audible and the lyrics were discernible. The music was coming from Faithful Strangers. The volume would easily disturb sleep and would render use of the rear bedroom unusable. It would also intrude on the use and enjoyment of the living room. The bass beat was audible over the use of the occupant's television. The music level remained constant throughout the duration of my visit.</p> <p>Windows in both the complainant's and perpetrator's home were closed.</p> <p>Based on this evening, the level of music was a significant intrusion on the use and enjoyment of the complainant's home.</p>	
Assessment:	Action:

Not witnessed		Notes only added to M3	
Witnessed: no nuisance		Notice served	
Witnessed: nuisance	X	Passed to Area Case Officer	AB



Annex D

Date 27th May 2021  
Ref WK/202137088



The Occupier  
Faith in Strangers  
17 Ethelbert Crescent  
Margate  
Kent

Dear Sir/Madam

Environmental Protection Act 1990 – Section 79 (1)  
Complaint of Nuisance of internal noise (doors/hand dryers in toilet) at Faith in Strangers,  
17 Ethelbert Crescent, Margate, Kent, CT9 2DY

We are writing to inform you that on 26th May 2021 we received a complaint from at least one resident in the area who claims they are being caused a nuisance from your premises. A nuisance can be defined as something that unreasonably interferes with someone else's enjoyment of their home or garden; it is not a single event or 'one-off' episode.

It may be that the complaint is not justified and no further action will be taken but if there is any possibility that you could be causing a nuisance to neighbours we ask that you consider what you can do to sort out the problem. Members of the Environmental Protection Team are always pleased to give advice and guidance if you would like any. We would like to hear from you what can be done to resolve any problem.

In all cases of this sort we ask the persons making the complaint to contact us again if there is no improvement in the situation. If this happens we then investigate the matter further.

If, as a result of our investigation, we confirm that a nuisance does exist, we are obliged to serve a legal document called an "Abatement Notice" on the person responsible. The notice would require that all practicable means are employed to prevent the nuisance. If the Abatement Notice is ignored then any further nuisance will be an offence which, on conviction in the Magistrates' Court, could result in an unlimited fine.

I hope that such action will not be necessary in this case. It is our policy not to reveal who has complained but if you would like any other advice please contact me on [environmental.health@thanet.gov.uk](mailto:environmental.health@thanet.gov.uk)

Yours faithfully

Mr C Brown  
Environmental Protection Officer  
[christopher.brown@thanet.gov.uk](mailto:christopher.brown@thanet.gov.uk)  
01843 577400

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

01843 577000  
[www.thanet.gov.uk](http://www.thanet.gov.uk)

Date 30<sup>th</sup> June 2021  
Ref WK/202137088



The Occupier  
Faith in Strangers  
17 Ethelbert Crescent  
Margate  
Kent  
CT9 2DY

Dear Sir/Madam

Environmental Protection Act 1990 – Section 79 (1)

Complaint of nuisance of internal noise (doors/hand dryers in toilet) and amplified music at Faith in Strangers, 17 Ethelbert Crescent, Margate, Kent, CT9 2DY

I write further to our letter of 27/05/21.

Since sending the letter we have received further evidence of on-going issues with noise emanating from your premises.

At this point I would like to arrange a meeting to discuss this evidence. Could you please contact me on the details below to arrange a visit to your premises? If I do not hear from you I will likely make an unannounced visit on Friday 9<sup>th</sup> July at around 12:00 pm.

Yours faithfully

A handwritten signature in blue ink, appearing to read "Christopher Brown".

Mr Christopher Brown  
Environmental Protection Officer  
christopher.brown@thanet.gov.uk  
01843 577400

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

01843 577000  
www.thanet.gov.uk

Date: 9<sup>th</sup> July 2021  
Ref: WK/202136652



The Company Secretary  
Faith in Strangers  
17 Ethelbert Terrace  
Margate  
Kent  
CT9 2DY

Dear Sir / Madam,

RE: Complaint of nuisance from various sources at Faith In Strangers, 17 Ethelbert Terrace Margate  
Environmental Protection Act 1990 – Section 79 (1)(g) – noise emitted from premises so as to be prejudicial to health or a nuisance

I write further to my letters of 27/05/21, 04/06/21 and our meeting of 07/07/21.

During our meeting I outlined the complaints we have received and asked to discuss them. This prompted a good conversation on the subject matter.

To summarise the complaints we have received, they include:

- Noise from internal doors, possible squeaking.
- Noise from the use of hand dryers in the toilets.
- Noise from patrons both inside and outside the premises. Including noise from patrons leaving the premises, congregating outside and a complaint from this weekend about shouting / chanting by occupants requesting further songs at the end of the night.
- Noise from music, described as an obvious base beat.
- Noise from furniture movement or other heavy objects. This has been reported as a particular issue early in the morning but has also been reported prior to you closing at night.

In terms of the hand dryer and door noise I will visit next week to make an assessment. This will involve an officer in the premises and an officer in the complainant's property. I will contact you on this either next week or the week after.

The noise from patrons externally, I note your comments on passing pedestrians. I am happy to accept this as more than plausible but I would advise that you consider writing a dispersal policy. This will be a process where you identify the noise and possibly health and safety risks with the end of the night dispersal process and document how you deal with it. Members of staff can then use it as an operational document. It doesn't have to deal with individual customers unless you wish to identify within it how to deal with difficult, violent or very drunk customers. It is more suited to noisy events such as large groups congregating and then leaving. As stated there is no requirement for you to do this but it can be helpful to us and yourself.

In terms of noise from patrons inside I note the difficulty in tackling some customers with certain events. The only advice we can give is to try and avoid crescendo endings where the customer is left requesting or demanding more. It is noted that this is not always possible.

In terms of music noise your comments are noted in terms of the actions on video of one of your neighbours, however there is a clearly audible base beat on both the calibrated noise monitoring equipment we installed and noted during our visit of 11/06/21. We will continue to gather evidence however we are certainly concerned by the information we are receiving.

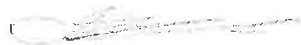
Finally there is the reported noise from the alleged movement / dragging of furniture or other heavy equipment. This is reported to be mainly early in the morning however we do have a recording on 04/07/21 at around 00:33am. With this I cannot confirm that this is a justified complaint however I would advise against generating significant noise outside of 23:00pm until 07:00am. If there are processes that you are performing such as the reset of a room for a differing use, or movement of furniture by a cleaner then this should be done in a manner that does not affect other premises. However again it is noted that there is little evidence to support this part of the complaint.

In summary this contact is an attempt to open dialogue on the complaints we are receiving and to discuss if there are any solutions to any known issues. This is also the chance for you to dispute any claims that you feel are unfounded.

The local authority will continue to investigate the matter and if further evidence comes to light on any of the issues above I will come back to you.

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

*Yours sincerely*



Christopher Brown  
Environmental Protection Officer  
Tel – 01843 577400  
E-mail – [Christopher.brown@thanet.gov.uk](mailto:Christopher.brown@thanet.gov.uk)



Christopher Brown (Environmental Protection Officer)  
<christopher.brown@thanet.gov.uk>

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**Re : 202136652 - Noise from Faith in Strangers, 17 Ethelbert Crescent Margate**

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Christopher Brown <christopher.brown@thanet.gov.uk>

13 July 2021 at 13:27

To: Faith In Strangers [REDACTED]

Cc: Amanda Berry <amanda.berry@thanet.gov.uk>

F.A.O Richard Randles and Jeremy Duffy,

I write further to my visit on Saturday night (10/07/21) at approximately 23:35pm.

For information we now have 6 complainants from separate households. Primarily about music noise affecting their homes.

Based on the visit of myself and my colleague we both concluded that in our opinion a statutory nuisance was being caused. The music level witnessed on Saturday night would prevent and disturb sleep and the music level on Friday night, if heard on multiple occasions would constitute a nuisance due to its ongoing and cumulative effect. We are now duty bound as an authority to serve an abatement notice. However we can consider forgoing this action if suitable measures can be found to prevent further nuisance from being caused.

At this time I suggest that we look at obtaining measurements of sound (noise). Myself and a colleague will visit and obtain measurements of the music system in both the complainants property and your premises. What we hope to achieve is a maximum level that can be played at the venue so that a further nuisance is avoided. I would hope to do this either tomorrow afternoon (Wednesday), Thursday (15th) after 3pm or Friday (16th) lunchtime (from 12:00pm onwards). This will involve the use of the music system at your premises and may cause some temporary disturbance to occupants. Please come back to me to arrange this as soon as possible.

In terms of the other issues noted, the movement of furniture was noticeable within the premises. As suggested during my visit you can look at rubber mounts for the chair legs but overall this may not resolve it. The issue is that the dragging of furniture across the floor is audible in the complainant property. Likely through the vibration of the chair leg and the flooring.

Patron noise is certainly an issue and has been noted on a number of occasions. This was particularly bad in the area from the patio doors onto the balcony down to the boundary wall with Cliftonville Court. At this time I can only foresee that the installation of additional sound insulation may aid or alleviate the issue. It also may aid the music noise issue. The complainants state that the removal of previous material to expose bare concrete may have caused the issues and I am learning towards agreeing with them based only on what I have heard.

Reportedly the door noise has reduced but the hand dryer noise still remains. I intend to deal with this issue during my visit to assess noise.

Outside of this there are the terms of the lease which you have outlined in previous meetings. This prevents occupants from complaining about nuisance. I will obviously take advice on this but I would be interested in the exact terms outlined in the lease that may inform our decision. If you do not have access to this I will seek it from another source.

You will note in our conversation at our meeting of 07/07/21 that I mentioned patrons attempting to get into Cliftonville Court thinking this was your premises. Unfortunately I have to report that the complainant again reported such an instance with a group of women on the Saturday night but I also witnessed this with two males ringing doorbells on the Friday evenings. It appears that this is certainly a matter that requires some thought from you.

In summary I am concerned by the effect on the complainant property and must take all reasonable action to resolve this matter. I welcome your cooperation in this matter and I look forward to your response to this email.

Regards,

7/13/2021

EKS Partnership Mail - Re : 202136652 - Noise from Faith in Strangers, 17 Ethelbert Crescent Margate

**Christopher Brown**  
Environmental Protection Officer  
Thanet District Council  
Cecil Street  
Margate  
Kent  
CT10 1XZ

Tel: 01843 577400

e-mail - [christopher.brown@thanet.gov.uk](mailto:christopher.brown@thanet.gov.uk) or [environmental.health@thanet.gov.uk](mailto:environmental.health@thanet.gov.uk)



Christopher Brown (Environmental Protection Officer)  
<christopher.brown@thanet.gov.uk>

## Re: Sound Tests

Christopher Brown <christopher.brown@thanet.gov.uk>

16 July 2021 at 13:57

To: Faith In Strangers <[REDACTED]>

Cc: [REDACTED] Amanda Berry <amanda.berry@thanet.gov.uk>

Richard & Jeremy,

It appears that Tuesday 20th July at 18:00pm is acceptable to all parties. I have also found a second officer with Amanda volunteering. So unless you have any objections that is when we will visit.

Regards,

**Christopher Brown**  
Environmental Protection Officer  
Thanet District Council  
Cecil Street  
Margate  
Kent  
CT10 1XZ

Tel: 01843 577400

e-mail - christopher.brown@thanet.gov.uk or environmental.health@thanet.gov.uk

On Fri, 16 Jul 2021 at 12:30, Faith In Strangers <hello@faithinstrangers.co.uk> wrote:

Dear Christopher,

Further to our previous email, we ask kindly that we can do the tests required between Monday - Wednesday at 18:00 onwards to allow our current daytime revenue streams to not be affected. Although we cannot do this Monday coming as we had already offered the venue free of charge to a local charity for an event.

Ahead of doing sound tests we have created an itinerary that we can work through, noted below. Please let us know if there is anything else you would like to check so we can prepare to make it as prompt as possible so as to not inconvenience all involved for too long.

To explain, we have developed and built a unique and custom sound system that can perform multichannel audio. This is for artistic and future technological purposes but also for our building facilities. What this means is that we can control and send audio signals to each individual speaker in the premises. So the itinerary will involve producing and performing a sweeping frequency generator over each individual speaker along with music, at various volumes to see where the main trouble may lie and if there are solutions we can work out to mitigate transference.

We have also listed other assets in the timeline to check during the test, such as the newly rubber feet chairs, doors, hand dryers etc.

Added to this we brought plans for our digital signage forwards and finished it as per picture below. This is situated on the exit wall just before the lobby.





Please find pictures of the rubber feet for the metal legged chairs.



Date 23rd July 2021  
Ref WK/202136652



The Company Secretary  
Faith In Strangers  
17 Ethelbert Crescent  
Margate  
Kent  
CT9 2EA

Dear Sir / Madam,

Environmental Protection Act 1990 – Section 79 (1) (g) noise emitted from premises so as to be prejudicial to health or a nuisance

Re: Nuisance associated with amplified music, the movement of chairs and furniture, the operation of a hand dryer and patron noise at Faith in Stranger, 18 Ethelbert Crescent, Margate, Kent

I write further to my email of 13/07/21 and my subsequent visit to the premises of 20/07/21.

Prior to the meeting of 20/07/21 I noted the submission of the dispersal policy and the addition of rubber feet for chairs at the venue. These are both welcomed as a move by yourself to attempt to tackle issues we have raised. We also welcomed your acceptance of the visit we subsequently completed to perform testing.

During our visit of 20/07/21 we conducted a test where an officer was stationed in the complainant property and an officer in your premises. Music was played through two separate sound systems and measurements were taken.

These measurements were:

System	LAeq	L10	L90	50Hz	63Hz	125Hz
Main Sound System	81 dB	84 dB	73 dB	57 dB	65 dB	70 dB
Larger speakers near window	81 dB	84 dB	73 dB	70 dB	70 dB	69 dB

Please ensure that the levels are not exceeded. You may wish to install a sound limiting device which prevents anyone from altering the levels once set.

When speaking to my colleague they stated that while the music noise was audible in the complainants home it was not in their opinion a nuisance at that time, they could not however confirm that post 23:00pm. We will come back to you with an updated position following further investigation into noise impact after 23:00hrs but in the meantime I suggest that post 23:00pm the three key frequencies above are further reduced to prevent transfer.

While conducting the visits we also looked at furniture noise and the noise from the use of hand dryers in the toilet. When moved or operated both were audible in the complainant property. Given the times and frequency of operation of the premises we are concerned and welcome any changes you can instigate to reduce this transfer. The addition of rubber feet is

noted however the noise was witnessed from furniture across the floor not just in the central position. The hand dryers also were clearly audible with a high pitch noise transferring above.

One point that I must bring to your attention is our concern over sound insulation. With experience a venue used for live music entertainment usually operates at between 95 - 105 dB. Given the figures we have shown above, the noted patron noise transfer and the other noise reported, in our opinion the venue is unsuitable for anything other than low level music entertainment. If you wish to use the venue for live and recorded performances of music entertainment then a significant upgrade on sound insulation is required, given what is being reported it may require some upgrading now to maintain your current operation. If you choose to embark on such works, please ensure to seek advice from a competent acoustic consultant who specialises in noise control and is a member of the Institute of Acoustics; please visit [www.association-of-noise-consultants.co.uk/](http://www.association-of-noise-consultants.co.uk/) for a list of consultants.

In summary we have visited, conducted testing and have identified a baseline up to 23:00pm. We will update you on levels post 23:00pm but have made some interim recommendations. We request you look at actions to improve noise transfer from furniture and equipment at the earliest opportunity. Internal patron noise is still noted, however a reduction in music noise may reduce this, this area will be monitored.

If you wish to discuss this or any other matter please contact me on the details below.

Yours sincerely



Mr Christopher Brown  
Environmental Protection Officer  
01843 577400  
[christopher.brown@thanet.gov.uk](mailto:christopher.brown@thanet.gov.uk)

**Gmail**

Amanda Berry (Senior Environmental Health Practitioner) &lt;amanda.berry@thanet.gov.uk&gt;

**Noise Complaint Sat 5th**

1 message

**Amanda Berry** <amanda.berry@thanet.gov.uk>

7 September 2021 at 15:43

To: [REDACTED]

Dear Richard

Following Chris Brown's departure I have taken over his caseload which includes investigation into noise complaints from residents at Cliftonville Court.

For info, Officers were called on Fri and Sat this weekend. They were not able to attend on Friday but arrived at the complainant's home around 21:30hrs on Saturday.

They did make observations that would suggest the noise levels were in excess of those recommended to you previously.

I understand that you have arranged for an acoustic consultant to carry out investigations into possibly improving the sound reduction between FIS and flats above - if I can be of any help in this regard please let me know.

Kind regards

**Amanda Berry**

Senior Environmental Health Practitioner

Environmental Protection | Environmental Health | Thanet District Council | 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.uk](http://www.kentair.org.uk) for up to date information on latest pollution levels across the county.*



Gmail

Amanda Berry (Senior Environmental Health Practitioner) &lt;amanda.berry@thanet.gov.uk&gt;

**Re: Noise Complaint Sat 5th**

1 message

**Faith In Strangers** <hello@faithinstrangers.co.uk>

7 September 2021 at 16:03

To: Amanda Berry &lt;amanda.berry@thanet.gov.uk&gt;

Hi Amanda,

Thanks for making contact. We have engaged with an acoustician who will be conducting a full survey and will hopefully offer a more detailed picture of what exactly is going on.

Best wishes,

Richard

On Tue, 7 Sept 2021 at 15:44, Amanda Berry &lt;amanda.berry@thanet.gov.uk&gt; wrote:

Dear Richard

Following Chris Brown's departure I have taken over his caseload which includes investigation into noise complaints from residents at Cliftonville Court.

For info, Officers were called on Fri and Sat this weekend. They were not able to attend on Friday but arrived at the complainant's home around 21:30hrs on Saturday.

They did make observations that would suggest the noise levels were in excess of those recommended to you previously.

I understand that you have arranged for an acoustic consultant to carry out investigations into possibly improving the sound reduction between FIS and flats above - if I can be of any help in this regard please let me know.

Kind regards

**Amanda Berry**

Senior Environmental Health Practitioner

Environmental Protection | Environmental Health | Thanet District Council | 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.uk](http://www.kentair.org.uk) for up to date information on latest pollution levels across the county.

**Faith In Strangers**01843621337 | [hello@faithinstrangers.co.uk](mailto:hello@faithinstrangers.co.uk)**Address:** 17 Ethelbert Crescent, CT9 2DY**Website:** [www.faithinstrangers.co.uk](http://www.faithinstrangers.co.uk)

Date 23<sup>rd</sup> September 2021  
Ref WK/202136652



The Company Secretary  
Faith in Strangers Ltd  
17 Ethelbert Crescent  
Margate  
CT9 2DY

Dear Sirs

Environmental Protection Act 1990 – Section 79 (1)  
Noise Abatement Notice  
Faith In Strangers, 17 Ethelbert Crescent, Margate

Further to Mr Brown's letter dated 23<sup>rd</sup> July 2021 and subsequent emails; Environmental Health have evidence of an ongoing Statutory Nuisance. Officer visits and recorded measurements indicate nuisance occurred again on 4<sup>th</sup>, 17<sup>th</sup> & 18<sup>th</sup> September. While I appreciate you are making efforts to explore sound insulation improvements, the Council is under a duty to serve an Abatement Notice.

The enclosed Abatement Notice relates to music pervading into neighbouring properties. Advice was given to you regarding reasonable levels until 11pm; our evidence suggests that these levels fluctuate and at times exceed those levels recommended. For premises that have entertainment on a regular basis or after 11pm music should not be audible in any neighbouring noise sensitive property. Our assessments indicate that the noise is regularly pervading into neighbouring flats and would also disturb sleep. The Notice requires that you to stop causing a noise nuisance to neighbours. How you go about this is entirely up to you but as has been raised with you, the sound insulation at the premises is simply not preventing noise transmission into the adjoining flats at Cliftonville Court. I would recommend that until this is effectively resolved that you suspended having any live or amplified music and certainly cease all music at 11pm. Attached to the Notice is your right of Appeal to the Magistrates Court which must be lodged within 21 days.

Yours faithfully

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

Ms A Berry  
Senior Environmental Health Practitioner  
amanda.berry@thanet.gov.uk  
01843 577422

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: Faith In Strangers Ltd

Of: 17 Ethelbert Crescent, Margate, England, CT9 2DY

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:

Faith In Strangers, 17 Ethelbert Crescent, Margate, England, CT9 2DY

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

Noise from amplified music emitting from your machinery

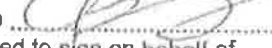
HEREBY REQUIRE YOU as the person responsible and occupier of the premises on which the nuisance arises immediately from the service of this notice to abate the same and prohibit its recurrence and for that purpose require you to: abate the nuisance.

In the event of an appeal, this Notice shall not have effect and be suspended.

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 and 3, which are attached. You are strongly advised to seek immediate independent legal advice from a solicitor and take this Notice with you.

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 under Section 80(4) 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 an unlimited fine. 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 or in preventing the recurrence of a statutory nuisance.

DATED 23rd September 2021

SIGNED   
Authorised to sign on behalf of  
Regulatory Services Manager  
Thanet District Council  
PO Box 9  
Cecil Street  
MARGATE Kent CT9 1XZ  
Amanda Berry

## 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.



(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of the appeal the court may -

- (a) quash the abatement notice to which the appeal relates, or
- (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
- (c) dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

(6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -

- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
- (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exercising its powers under paragraph (6) above, the court -

- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
- (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

### **Suspension of notice**

3 (1) Where -

(a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -

(b) either -

- (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
- (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and

(c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met,

the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where -

(a) the nuisance to which the abatement notice relates -

- (i) is injurious to health, or
- (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or

(b) 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.

(3) Where paragraph (2) applies the abatement notice -

- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
- (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.