



NOTICE OF MEETING

LICENSING SUB-COMMITTEE

MONDAY, 4 SEPTEMBER 2023 AT 10.00 AM

**THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL,
PORTSMOUTH**

Telephone enquiries to Anna Martyn - Tel 023 9283 4870
Email: Democratic@Portsmouthcc.gov.uk

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

Membership

Councillor Emily Strudwick
Councillor Stuart Brown
Councillor George Madgwick

The reserve member is Councillor Russell Simpson.

(NB This agenda should be retained for future reference with the minutes of this meeting).

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Deputations by members of the public may be made on any item where a decision is going to be taken. The request should be made in writing to the contact officer (above) by 12 noon of the working day before the meeting, and must include the purpose of the deputation (for example, for or against the recommendations). Email requests are accepted.

AGENDA

- 1 Appointment of Chair
- 2 Declaration of interests
- 3 Licensing Act 2002 - Review Application - It's Mustard, 116 Albert Road, Southsea, PO4 0JS (Pages 3 - 214)

The purpose of this report is for the committee to consider and determine a review application pursuant to section 52 of the Licensing Act 2003 ("the Act") and in respect of the following premises:

It's Mustard, 116 Albert Road, Southsea, PO4 0JS

The Sub-Committee is requested to determine the review application.

Members of the public are permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting nor records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

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Agenda Item 3

REPORT TO: LICENSING SUB-COMMITTEE 4 September 2023

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: DEREK STONE

Licensing Act 2003 - Review Application - It's Mustard, 116 Albert Road, Southsea, PO4 0JS

1. PURPOSE OF REPORT

The purpose of this report is for the committee to consider and determine a review application pursuant to section 52 of the Licensing Act 2003 ("the Act") and in respect of the following premises:

It's Mustard, 116 Albert Road, Southsea, PO4 0JS.

The holder of the premises licence is recorded as Miss Joanne Mary Johnstone.

2. THE REVIEW APPLICANT

The application and grounds for the review are attached as **Appendix A** and has been submitted by Lorraine Astill Regulatory Services, and relates to the following licensing objective:

- Prevention of public nuisance

This follows engagement with the venue in relation to noise and the serving of a noise abatement notice and further noise nuisance.

3. BACKGROUND INFORMATION

116 Albert Road became the Artisan Kitchen and Bar and was granted a Premises Licence in March 2022. In December 2022 it became It's Mustard with Joanne Johnstone becoming the Premises Licence holder and Designated Premises Supervisor. The premises are owned by Adam Stringer and has 30 covers.

A copy of the current premises licence is attached as **Appendix B**.

In accordance with the act and prescribed regulations, public notice of the review application was given both at the premises and also at the Civic Offices. In addition, a notice of the review application was also posted on the council website.

The review application was also served on the responsible authorities.

4. REPRESENTATIONS BY RESPONSIBLE AUTHORITIES AND OTHER PERSONS

A representation from Regulatory Services has confirmed that on the 11th April 2023, a noise abatement notice was served in relation to the venue following public noise nuisance having been witnessed. Following this, four contraventions of this notice occurred on the 22nd April, 6th May, 3rd June and 1st July.

On the 11th July 2023 notification of this review was given to the premises licence holder and owner. Despite this notice, noise has continued at the premises and on two further occasions since the review notice was served, a public noise nuisance was witnessed on the 22nd July and 5th August.

No additional representations were received from responsible authorities however, twenty two representations have been received, in the main from local residents complaining about noise from the venue. Several representations have mentioned intimidation following the commencement of the review proceedings, hence the removal of names and addresses from the representations. The unredacted copies are available to the panel if required. There are seven support representations. All representations are attached as **Appendix C**.

5. POLICY AND STATUTORY CONSIDERATIONS

When determining the review application, the committee must have regard to:

- Promotion of the licensing objectives which are;
 - Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
- The Licensing Act 2003;
- The adopted Statement of Licensing Policy;
- Judgments of the High Court, (your legal adviser will give you guidance should this become necessary);
- The current statutory guidance issued by the Home Secretary in accordance with section 182 of the Act;
- The representations, including supporting information, presented by all the parties; and
- The human rights of all the parties concerned to ensure both a fair and balanced hearing
- The public sector equality duty requiring public bodies to have due regard to the need to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- Advance equality of opportunity between people who share protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are as follows:
- i) age, ii) disability, iii) gender reassignment, iv) pregnancy and maternity v) race - this includes ethnic or national origins, colour or nationality, vi) religion or belief - this includes lack of belief, vii) sex and viii) sexual orientation.

The Statutory Guidance provides advice in relation to the consideration of review applications. In particular, members should have regard to the following:

Paragraph 11.1 - *"The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate."*

Paragraph 11.2 - *"At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives."*

Paragraph 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. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation."*

Paragraph 11.16 - *"The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives."*

In reaching a decision upon a review application, the guidance offers assistance to the licensing authority as follows:

Paragraph 11.17 - *"The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively*

promoted and that warnings should be issued in writing to the licence holder."

Paragraph 11.18 - *"However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker."*

Paragraph 11.19 - *"Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:*

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);*
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- suspend the licence for a period not exceeding three months;*
- revoke the licence."*

Paragraph 11.20 - *"In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review."*

Paragraph 11.21 - *"For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual."*

Paragraph 11.22 - *"Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives."*

Paragraph 11.23 - *"Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again.*

However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence."

A copy of the Statement of Licensing Policy, current statutory guidance and the Act has been supplied to each of the Members' Rooms and further copies will be available for reference at the hearing.

6. APPEALS

An appeal against any decision may be made within 21 days of the premises licence holder being notified of the licensing authority's decision to a Magistrates' court. An appeal may be made by:

- The applicant for the review;
- the holder of the premises licence or club premises authorisation; or
- any other person who made relevant representations in relation to the application.

The decision of the committee, following the review hearing, will not have effect until the end of the period allowed for appeal, or until any submitted appeal is disposed of.

7. APPENDICES

- A. Copy of the redacted review application together with any supporting documents
- B. Copy of the current authorisation to include location plan
- C. Copies of any other relevant representations received
- D. Evidence re additional noise breaches 22nd July and 5th August

THE COMMITTEE IS REQUESTED TO DETERMINE THE REVIEW APPLICATION



For Licensing Manager
And on behalf of Head of Service



Reference No

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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 or typed in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Lorraine Astill

I
 (Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable).

Part 1 – Premises or club premises details			
Postal address of premises or, if none, ordnance survey map reference or description			
Its Mustard 116 Albert Road Southsea			
Post town	Portsmouth	Post code	PO4 0JS

Name of premises licence holder or club holding club premises certificate (if known) Joanne Johnstone

Number of premises licence or club premises certificate (if known) 22/03292/LAPREM
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Part 2 – Applicant details	
In what capacity are you applying for the premises licence to be transferred to you?	
I am.	
Please tick <input checked="" type="checkbox"/> yes	
1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)	
2) a responsible authority (please complete (C) below)	yes
3) a member of the club to which this application relates (please complete (A) below)	

(A) INDIVIDUAL APPLICANTS (fill in as applicable)									
Please tick <input checked="" type="checkbox"/> yes									
Mr		Mrs		Miss		Ms		Other title (for example, Rev)	
Surname					First names				
I am 18 years old or over								(Please tick <input checked="" type="checkbox"/> yes)	
Current postal address if different from premises address									
Post town						Post code			
Daytime contact telephone number									
Email address (optional)									
Post Town					Post Code				

(B) DETAILS OF OTHER APPLICANT
Name and address
Telephone number (if any)
Email address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT
Name and address Lorraine Astill - Principal Regulatory Services Officer Portsmouth City Council Civic Offices Guildhall Square Portsmouth PO1 2AZ
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

This application to review relates to the following licensing objective(s)	
	Please tick one or more boxes <input checked="" type="checkbox"/>
1) the prevention of crime and disorder	
2) public safety	
3) the prevention of public nuisance	yes
4) the protection of children from harm	

Please state the ground(s) for review (please read guidance note 2)
<p>This application has been made by Regulatory Services (a responsible authority applicant) on the basis that the premises licence holder has failed to uphold the prevention of public nuisance licensing objectives.</p> <p>This has been evidenced by: Causing public nuisance to nearby residents which has resulted in the service of a statutory Noise Abatement Notice under the Environmental Protection Act 1990 by Regulatory Services on 11th April 2023. Contraventions of this notice have been witnessed on 22nd April 2023, 6th May 2023, 3rd June 2023 and 1st July 2023</p>

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

The Legislative Reform (Entertainment Licensing) Order 2014 deregulates live music and recorded music. The Act removes the licensing requirements for live music and recorded music where: -

- There is a premises licence or club premises certificate in place permitting 'on sales.
- The premises are open for the sale or supply of alcohol for consumption on the premises.
- Live or recorded music is taking place between 8am and 11pm
- If the music is amplified live music or recorded music (e.g., DJs or a disco for example), the audience consists of no more than 500 people.

Under Section 51 of the Licensing Act 2003 " a responsible authority or any other person can apply for a review of a premise licence".

Upon a Review of the premises licence the Licensing Authority can determine that existing conditions on the premises licence relating to live or recorded music will apply even between 8am and 11pm.

Its Mustard has a premise licence which allows the business to open from 08:00 to 23:00hrs 7 days a week. The Premise Licence Holder and Designated Premise Supervisor is Miss Joanne Johnstone, (appendices 1).

The director and owner of Its Mustard Ltd is Mr Adam Stringer, (appendices 2, 3, and 4).

The Premise

116 Albert Road was previously a retail shop that sold pianos. In February 2021 under Permitted Development the premise was notified by City Planners that they would not need planning permission for the change of use to an A3 (café). The premise has been renovated and now has a glass roof covering an open corridor to the rear courtyard area (see plan and photographs - appendices 5 and 6). Since December 2022, the premise has been operated as a kitchen and bar called Its Mustard.

Its Mustard is located within Albert Road which is a night-time economy area. This area is also a mixture of commercial and residential properties. The premise has residential accommodation on the first floor which belongs to the owner of Its Mustard. Residential accommodation is also located either side of the owner's property on the first floor.

Complaint history

Its Mustard Bar & Kitchen opened on **10th December 2022** (see appendices 7). Subsequently to this, complaints were received by Regulatory Services from the **6th February 2023** and are still continuing to be received.

Regulatory Services have four complaints from separate residents that live in the vicinity of Its Mustard. (23/00307/ENI, 23/00315/ENI, 23/00730/ENI, 23/00734/ENI).

A letter (appendices 8) was sent to the Premise Licence Holder/DPS - Joanne Johnstone, Its Mustard, 116 Albert Road, Southsea, PO4 0JS on the **9th February 2023**. Ms Johnstone did

not respond to this correspondence.

On **11th March 2023** a complainant left a voice message at 23:15hrs stating that it is kicking off at Its Mustard and would like to log their call.

On **29th March 2023** the investigating officer visited Its Mustard to follow up on outstanding food hygiene legal requirements and to discuss the noise complaints. The officer requested that Mr Stringer contacted her with details of the glazing for the glass roof and to inform her if a noise volume limiting device had been installed at the premise. Ms Johnstone was present at the premises and said that she would be in contact. No further information was provided after this visit.

On **8th April 2023** the duty out of hours officer received three calls from different local residents concerning loud music coming from Its Mustard. (See appendices 9).

On the **8th April 2023** a statutory noise nuisance was witnessed by loud music coming from Its Mustard. The duty officer approached the bar to speak to DPS. The DPS not present but owner Adam Stringer was. Mr Stringer was under the influence of drink and would not listen to the officer's request to reduce the volume of the music. He made reference to loud music coming from other bars on Albert Road. It was explained to him that the music was travelling through the structure of the building and causing a disturbance to a local resident.

Mrs Johnstone was contacted on **11th April 2023** as a complaint had also been received concerning an alarm sounding in Its Mustard. It was requested that she visited the bar to silence the alarm. This was complied with.

In relation to the statutory nuisance being witnessed on **8th April 2023**, and under the Environmental Protection Act 1990 Sc 79 (g) a noise abatement notice was served on Joanne Johnstone [REDACTED] ref 12/LWA/23, the notice and the covering letter was sent by post and email on **11th April 2023**. (See appendices 10, and 11). A noise abatement notice was also served on Mr Adam Stringer ref 11/LWA/23 (see appendices 12 and 13

On **13th April 2023** Ms Johnstone left a voice message saying she did not have an indication on how bad the situation was only other than the other letter she had received and from the meeting with the officer. She claimed that they had tried to work with the complainant. She made allegations that they have gone above and beyond what is required, and they feel that the local authority is making it difficult to operate the bar as they have only been open for 4 months. She claimed that other bars in the area were making more noise than Its Mustard.

The investigating officer called Ms Johnstone back on **14th April 2023**. Ms Johnstone made allegations that the complaints have not been dealt with properly as she had only received one letter prior to the noise abatement notice being served and one visit from an officer where a discussion took place after a food inspection. She reiterated that she had not been given the opportunity to deal with the noise issue and she was not in the right frame of mind as her friend had committed suicide. During this conversation the investigating officer advised Ms Johnstone that there was right of appeal for the noise abatement notice but Ms Johnstone said she did not believe that they would be successful in their claim so they would not be appealing. Ms Johnstone said that they had cancelled all entertainment for the weekend. The investigating officer advised Ms Johnstone that the premise was not suitable for regulated entertainment provided by a DJ as the bass penetrates through the structure of the building and also the glass roof does not help contain the noise.

Breach of abatement notice 22nd April 2023 (1)

On **22nd April 2023** at 14:57hrs one of the complainants left a voice message on the night noise phone reporting loud music from Its Mustard. A further call was made by the same complainant at 18:16hrs stating the music level was getting louder. The officer visited the complainant at 19:27hrs and witnessed a contravention of the noise abatement notice. The officer did not visit the bar but noticed that there was a DJ set up in the premise when he walked past.

A letter was sent to Joanne Johnstone (premise license holder and DPS) and Adam Stringer on **25th April 2023** (see appendices 14 and 15) notifying her that a contravention of the noise abatement notice had been witnessed. Joanne Johnstone called the investigating officer in response to the receipt of this correspondence and requested a meeting with the manager as she felt that she had been misinformed. A meeting was arranged **27th April 2023** to discuss the noise complaints and issues raised.

Meeting at Its Mustard on 27th April 2023

A meeting took place at Its Mustard 116 Albert Road, Southsea on **27th April 2023**. Allegations were made by both Mr Stringer and Ms Johnstone that the business had not been helped by the local authority. During this meeting Mr Stringer requested assistance with setting noise levels. It was explained to him that they might not agree with the noise levels set as the volume may be lower than they would like and also this would not give them a defense if formal action was to be taken. It was agreed that an appointment would be made with the complainant and themselves so that noise levels could be set.

On **28th April 2023** one of the complainants was contacted, and it was agreed that they would participate with setting noise levels with Its Mustard. The date of Thursday 4th May at 10:00am was proposed.

Further complaints received by Regulatory Services

Three voice messages were left by different complainants on **29th April 2023** in relation to loud music from a DJ at Its Mustard, which started at 16:30hrs.

One of the complainants said that due to the volume of the music they are unable to remain in their home.

A further message was left by one of the complainants at 20:58hrs stating that the music was very loud and could be heard in every room of their house.

There was no officer available to witness the noise on this occasion.

The duty out of hours officer received a call from one of the complainants on **30th April 2023**. The officer visited the complainant at 19:16hrs and could hear a low-level continuous bass beat. The noise stopped shortly after the officer had arrived.

Correspondence concerning dates for the setting of noise levels at Its Mustard

Mr Stringer (the owner of the business Its Mustard) sent an email on **2nd May 2023** stating that they have used sound insulation in the weak areas in the wall that was pointed out to him

during the meeting on the 27th April 2023. He said that he had had a meeting with his sound engineers seeking advice on the best way to reduce the noise levels and it was hoped that once it had been installed the music would be consistent and not cause a nuisance to neighbours'. He proposed a date of **Saturday 20th May 2023** for the sound test to be carried out as they needed to spend time decorating for the Kings Coronation.

The investigating officer replied to Mr Stringers email and informed him that due to upcoming planned events at Its Mustard complaints could be received and potential evidence collated for further breaches of the noise abatement notices, if a statutory noise nuisance is witnessed. The officer indicated that it was crucial to try to set some noise levels prior to these events and asked if Mr Stringer or Ms Johnstone were available on **Thursday 4th May 2023**.

Mr Stringer responded to the officer's email on **3rd May 2023** by stating that he had other commitments with his printing business in London and could not spare the time to be available on **Thursday 4th May 2023** as he was already committed to meeting deadlines. He said that Ms Johnstone had been on vacation and only arrived back that evening and it was vital that they are able to prepare for the Kings Coronation on the Saturday. He did however say that all equipment being purchased for future events would be submitted to PCC before the week ending **12th May 2023** and that installation will take place no later than **19th May 2023** when testing of the equipment can take place.

The investigating officer replied to Mr Stinger's email dated **3rd May 2023** and advised to reduce the volume of the music and bass being provided by the DJ for the Kings Coronation celebrations.

On the **4th May 2023** Mr Stringer sent an email to the Public Protection email inbox requesting an appeal of the noise abatement notices. Mr Stringer was informed by email that the time period for the right to appeal for the notice had expired. Details were also provided in a separate email to Mr Stringer detailing the difference in legislation between the Licensing Act and the Environmental Protection Act.

Further complaints received by Regulatory Services

On **5th May 2023** a complainant left a voice message at 19:53hrs requesting that her call be logged as there was heavy bass coming from Its Mustard. She said that the noise started at 19:30hrs and it could be heard throughout her flat.

Breach of noise abatement notice 6th May 2023 (2)

A visit was made to the complainant's property at 18:30hrs on **6th May 2023**. Bass music was travelling through the structure of the building and was clearly audible throughout the complainant's home. The level of the music was causing a statutory nuisance which was in breach of the noise abatement notices served on Its Mustard Ltd and Joanne Johnstone.

A call was made to Joanne Johnstone to inform her that high bass levels had been witnessed emanating from Its Mustard and it was requested that the volume of the DJ be reduced. Ms Johnstone said that she would do this.

A further visit was made to the complainant on **6th May 2023** at 22:05hrs upon entering the complainant's courtyard loud music could be heard coming from the rear of Its Mustard. Vibrations from the music in commercial premise (Its Mustard) below could be felt under foot. The music could be heard throughout the complainant's property and there was not a room within their premise where they could escape the noise. The level of the music was causing a

statutory nuisance. Noise from customers in the courtyard at Its Mustard could also be heard. From within the complainants home a female's voice was heard shouting "last orders".

On **13th May 2023** a letter (appendices 13) was sent to both Ms Joanne Johnstone and Mr Adam Stringer informing them of the contravention of the noise abatement notice. The letter was sent via email and by post.

Ms Johnstone replied to the correspondence on **16th May 2023** in response to the contravention of the noise abatement notice. She apologised for the "level of the music not being how we require it" and said that they are doing everything that they can to resolve the problem. She said that their sound equipment is on its way.

Further complaints received by Regulatory Services

The complainant left a voice message at 22:11hrs on the out of hours mobile reporting that there has been music on **13th May 2023** and the bass beat could be heard throughout their property.

A complainant contacted Regulatory Services on **16th May 2023** notifying the service that Its Mustard have a DJ planned for **Saturday 20th May 2023**. The liaison officer notified the complainant that the investigating officer was on leave and that no one would be available to monitor the noise on this date.

On **20th May 2023** the complainant left a voice message at 15:37hrs stating that the DJ is playing loud music which can be heard throughout their property.

On **25th May 2023** an email was sent to Ms Joanne Johnstone; she was again advised that the sound insulation between the commercial and residential uses on the first floor was not sufficient for the type of entertainment that they are providing. It was recommended that they cancelled the entertainment that they had planned for the **4th June 2023** until mitigation measures had been put in place. The officer also requested that they be notified once the business had received their new sound system.

A voice message was left by the complainant at 13:59hrs and 22:17hrs on **27th May 2023** (see appendices 19) reporting that there had been loud music from a DJ playing again at Its Mustard. They said that it could be heard in every room of their property.

On **2nd June 2023** a voice message was left by the complainant at 20:19hrs stating that extremely loud music is playing again at Its Mustard, and it could be heard throughout their property.

Breach of noise abatement notice 3rd June 2023 (3)

The duty out of hours officer received two calls from different residents on Saturday **3rd June 2023** concerning loud music emanating from Its Mustard (see appendices 20). One of residents reported that the front door to the premises was open and music could be heard above the traffic on Albert Road.

An officer visited one of the complainants at 20:50hrs on Saturday **3rd June 2023**. Loud music could be heard from the rear of Its Mustard as the officer entered the complainant's home. Lyrics to the tracks being played were clearly audible and the volume of the music was causing a statutory nuisance in breaching the noise abatement notice.

A telephone call was made to Joanne Johnstone to notify her of the complaint, but her phone was turned off.

On **7th June 2023** a letter (see appendices 21 & 22) was sent to both Joanne Johnstone and Adam Stringer in relation to the contraventions of the noise abatement notice witnessed by the officer on 3rd June. No response was received by Regulatory Services in relation to this correspondence.

Further complaints received by Regulatory Services

On **10th June 2023** a complainant left a voice message at 17:40hrs. They said that the DJ started at 16:45hrs (see appendices 23) and that it was really loud as usual. The music can be heard everywhere in their home.

Breach of noise abatement notice 1st July 2023 (4)

Three complaints were received by local residents in relation to loud music emanating from Its Mustard on 1st July 2023.

Noise monitoring equipment had been placed within the fourth complainants' home as they had notified Regulatory Services prior to the event that Its Mustard had advertised on Facebook and Instagram that a DJ was playing at 116 Albert Road on 1st July (see appendices 24).

Upon analyzing the recordings made by the complainant, the loud music in particular heavy bass was present within the complainant's home from 15:55hrs to 22:38hrs (last recording made), therefore causing a statutory nuisance for approximately six hours.

CONCLUSION

The Responsible Authority has instigated this review due to concerns that, despite giving clear guidance and warnings as regards to complying with licensing objectives, the licence holder has continued to operate in contravention of prevention of a public nuisance.

The statutory guidance issued in accordance with section 182 of the LA03 offers the following relevant guidance which the Licensing Authority must have regard to when considering a review application:

Paragraph 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/certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

Paragraph 11.18

Where responsible authorities such as the environmental health officers have already issued warnings requiring improvement - either orally or in writing - that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

Paragraph 11.20

In deciding which powers to invoke, it is expected that licensing authorities should, so far as possible, seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than appropriate and proportionate response to address the causes of concern that instigated the review.

Where the Licensing Authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- Modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition).
- Exclude a licensable activity from the scope of the licence.
- Removal of the Designated Premises Supervisor.
- Suspend the licence for a period not exceeding three months
- Revoke the licence

Having regard to the facts presented within this review, it is clear that the premises licence holder has consistently failed to act on advice of the other responsible authorities in terms of complying with the premises licence and has continued to breach the requirements of the LA03.

It is therefore recommended that the most appropriate step for the Licensing Sub-Committee to consider is to impose the following condition on the current premises licence:

1. (a) **The provisions of Section 177A of the Licensing Act 2003 relating to live and recorded music no longer apply in respect of this licence, and**
 - (b) **The provision of any regulated entertainment consisting of a performance of live music and/or playing of recorded music shall be excluded as a licensable activity under the scope of this licence.**

Please tick yes

Have you made an application for review relating to the premises before?	<input type="checkbox"/> No
--	-----------------------------

If yes, please state the date of that application

	Day		Month		Year				

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

Please tick <input checked="" type="checkbox"/> yes	
<ul style="list-style-type: none"> 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. 	Yes
<ul style="list-style-type: none"> I understand that if I do not comply with the above requirements my application will be rejected. 	Yes
<p>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</p>	
<p>Part 3 – Signatures (please read guidance note 4)</p>	
<p>Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 5). If signing on behalf of the applicant, please state in what capacity.</p>	
Signature	
Date	10 th July 2023
Capacity	Principal Regulatory Service Officer

<p>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)</p> 			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by email, your email address (optional)			

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



Portsmouth
CITY COUNCIL

PREMISES LICENCE

Licensing Act 2003

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description	
Address: It's Mustard 116 Albert Road Southsea PO4 0JS	Map Ref (E) : 465210 Map Ref (N): 98955 UPRN: 001775000954
Telephone	

Where the licence is time limited the dates
This licence is NOT time limited

Licensable activities authorised by the licence
▶ Sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities
▶ Sale by retail of alcohol Monday to Sunday 10:00 until 23:00

The opening hours of the premises
▶ Monday to Sunday 08:00 until 23:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies
Alcohol is supplied for consumption on the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence	
Name: Miss Joanne Mary Johnstone	Telephone:
Address: [REDACTED]	Email:

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

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

Name: Miss Joanne Mary Johnstone

Address: [REDACTED]

Telephone: [REDACTED]

Email:

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

Personal Licence No: LAPERS/11450

Issuing Authority: Portsmouth City Council

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 as amended and regulations made thereunder

Date Licence granted: 17 March 2022

Date last amended: 2 December 2022

Type: Transfer



[REDACTED]

Signed on behalf of the Head of Service
(Authorised Officer)

Portsmouth City Council will process your personal information in accordance with data protection law. The personal details provided by you will be used for licensing service purposes. Your details will be held on a database and where the law allows, may be shared with other departments within the council to update details they hold about you. The council may also be required to disclose personal information to third parties (such as Police, Department for Work and Pensions or for the National Fraud Initiative) for the purposes of preventing or detecting crime or apprehending or prosecuting offenders.

For further information about how the Council collects and uses personal information please visit our website: <https://www.portsmouth.gov.uk/ext/the-council/data-protection-privacy-notice>

Annex 1 – Mandatory Conditions

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

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) a holographic mark, or
- (b) an ultraviolet feature.

06 The responsible person must ensure that:

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

- (i) beer or cider: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

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

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

where -

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

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,

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

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

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

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

-- END --

Annex 2 – Conditions consistent with the operating schedule

01 The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system will be able to cope with strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas. CCTV warning signs to be fitted in public places. The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation. The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 31 days. Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained. The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, i.e. password protected. There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to police on request when investigating allegations of offences or criminal activity. Any images recovered must be in a format that can be viewed on readily available equipment without the need for specialist software.

In the event of technical failure of the CCTV equipment, the premises licence holder/DPS MUST report the failure to the Hampshire Eastern Police Licensing Unit licensing@hampshire.pnn.police.uk within 24 hours, and arrangements made to repair the fault without delay. A competent trained person in the use of and operation of the CCTV must be in attendance at the premises at all times that licensable activities take place and there must be a person present, nominated by the data controller, who is able to fully operate the CCTV system to be able to download at the times of the visit onto a CD/DVD/USB stick any information lawfully requested by Police or Portsmouth City Council authorised officers.

CCTV shall cover the full licensable area.

02 All staff involved in the sale of alcohol must receive comprehensive training in relation to the sale of alcohol. No member of staff shall be permitted to sell alcohol until such times as they have successfully completed this training. Training shall cover:

Sale of alcohol to persons under 18

Challenge 25 and acceptable forms of identification

Signs of Drunkenness

Refusal register and when/how to use

The Licensing Objectives

This training shall be documented and records kept on the premises

Police and the Portsmouth Licensing Authority shall have access to an individual's training records upon request.

03 The premises shall operate a challenge 25 policy. Any persons appearing to those engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol will be

required to produce satisfactory photographic identification as proof of age. Acceptable ID shall be as per the latest Home Office guidance. Signage of this policy will be visible to customers

04 A refusals register in paper or digital format shall be kept and maintained at the premises. The register shall be made available for inspection upon request by an authorised officer of the Police or Local Authority.

-- END --



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

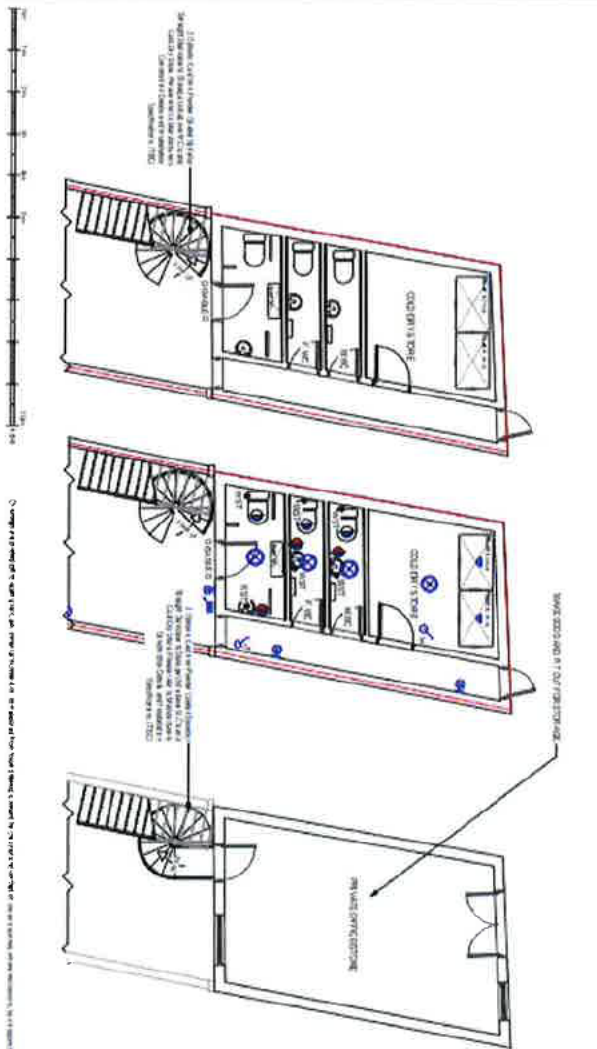
-- END --



Annex 4 – Premises and location plan

Premises Plan(s)

These will either be shown below or attached as a separate part of the premises licence authorisation.



1.1. Premises

The premises are situated at the rear of the building, forming part of the premises licensed under the premises licence number 22/03292/LAPREM. The premises are used for the purpose of the sale and supply of alcoholic liquor for consumption on the premises.

The premises are divided into three main areas: a bar area, a kitchen area, and a seating area. The bar area is located at the front of the premises and contains a bar counter, shelving, and a till. The kitchen area is located at the rear of the premises and contains a sink, stove, and refrigerator. The seating area is located in the middle of the premises and contains several tables and chairs.

The premises are accessed from the rear of the building via a set of stairs. The premises are bounded by a wall on three sides and a fence on the fourth side.

1.2. Premises

The premises are situated at the rear of the building, forming part of the premises licensed under the premises licence number 22/03292/LAPREM. The premises are used for the purpose of the sale and supply of alcoholic liquor for consumption on the premises.

The premises are divided into three main areas: a bar area, a kitchen area, and a seating area. The bar area is located at the front of the premises and contains a bar counter, shelving, and a till. The kitchen area is located at the rear of the premises and contains a sink, stove, and refrigerator. The seating area is located in the middle of the premises and contains several tables and chairs.

The premises are accessed from the rear of the building via a set of stairs. The premises are bounded by a wall on three sides and a fence on the fourth side.

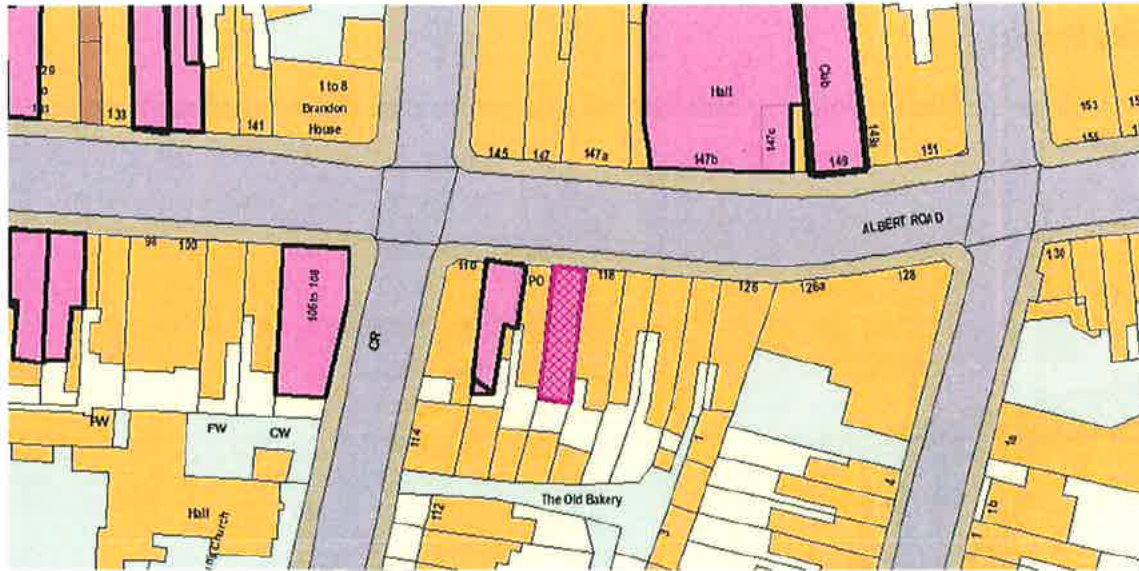
1.3. Premises

The premises are situated at the rear of the building, forming part of the premises licensed under the premises licence number 22/03292/LAPREM. The premises are used for the purpose of the sale and supply of alcoholic liquor for consumption on the premises.

The premises are divided into three main areas: a bar area, a kitchen area, and a seating area. The bar area is located at the front of the premises and contains a bar counter, shelving, and a till. The kitchen area is located at the rear of the premises and contains a sink, stove, and refrigerator. The seating area is located in the middle of the premises and contains several tables and chairs.

The premises are accessed from the rear of the building via a set of stairs. The premises are bounded by a wall on three sides and a fence on the fourth side.

Location Plan: 116 Albert Road Southsea



REPRODUCED FROM THE ORDNANCE SURVEY MAPPING WITH PERMISSION OF THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE © CROWN COPYRIGHT. UNAUTHORISED REPRODUCTION INFRINGES CROWN COPYRIGHT AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS. LICENCE AGREEMENT NUMBER LA100019671- PORTSMOUTH CITY COUNCIL

Licensing

APPENDIX C

From: bustle BERTIE [REDACTED]
Sent: Tuesday, August 8, 2023 8:04 PM
To: Licensing Shared Email [REDACTED]
Subject: its mustard licensing

You don't often get email from [REDACTED]. [Learn why this is important](#)

The Licensing Manager
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL
8TH AUGUST 2023

via email

To The Licensing Authority.

With reference to the premises license at the above property ,I confirm that I live within the vicinity of "its mustard" .

I can confirm that I have had no cause for concern in the relation to these premises and support the premises license holder in this review.

For the avoidance of doubt I have no concerns regarding the premises and can clarify that I have never witnessed sales to drunken persons, seen any drunkenness, anti-social behavior, disturbances or crime occurring.

i would also like to add that this surprises me very much as every time i have been into this establishment they are very thoughtful of their clients, the surroundings and any noise which i have never witnessed within this business premises, i would also like to add that more noise comes from the wedgewood rooms and the karaoke premises which are also on Albert Road.

Should you require any further information please do not hesitate to contact me.

Yours faithfully

Bustle and Bertie.

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APPENDIX C

From: Kate Chalmers [REDACTED]
Sent: Tuesday, August 8, 2023 9:35 PM
To: Licensing Shared Email [REDACTED]
Subject: License review 'Its Mustard'

You don't often get email from [REDACTED]. [Learn why this is important](#)

Hi

'Its Mustard' 116 Albert Road, Portsmouth PO4 0JS

I understand the license for these premises are currently under review.

I wanted to let to the committee know what a charming and pleasant addition this bar/restaurant is to Albert Road.

I had a lovely meal in there this Sunday and was surprised to see the license review letter on the shop front. I have also been in there in the evening and find the place to have a nice environment and vibe about it.

I spoke to Jo, who works there and found her to be both friendly & amenable. Having a new business will always be a gamble especially in this current climate. This one caters for all age ranges as they offer different & varied experiences as well as a decent Sunday Roasts for families.

It would be a real shame if 'Its Mustard' were to lose its license

With regards

Kate Chalmers

Kimbolton Road

Portsmouth

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APPENDIX C

From: Creatiques Bridal Boutique [REDACTED]
Sent: Tuesday, August 8, 2023 7:54 PM
To: Licensing Shared Email [REDACTED]
Subject: ITS MUSTARD



The Licensing Manager
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

8TH AUGUST 2023

To The Licensing Authority.

With reference to the premises license at the above property ,I confirm that I not only live within the vicinity of "its mustard" but also have a business that is opposite this premises.

I can confirm that I have had no cause for concern in the relation to these premises and support the premises license holder in this review.

For the avoidance of doubt I have no concerns regarding the premises and can clarify that I have never witnessed sales to drunken persons, seen any drunkenness, anti-social behavior, disturbances or crime occurring.

Should you require any further information please do not hesitate to contact me.

Yours faithfully

CREATIQUES BRIDAL BOUTIQUE

Creatiques



Creatiques Bridal Boutique

151 Albert Road, Southsea.



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APPENDIX C

From: ANDREW PEARCE [REDACTED]
Sent: Tuesday, August 8, 2023 7:55 PM
To: Licensing Shared Email [REDACTED]
Subject: licensing issue at 116 Albert road.Southsea

You don't often get email from [REDACTED] [Learn why this is important](#)

The Licensing Manager

Portsmouth City Council

Civic Offices

Guildhall Square

Portsmouth

PO1 2AL

8TH AUGUST 2023

via email

To The Licensing Authority.

With reference to the premises license at the above property ,I confirm that I not only live within the vicinity of "its mustard" but also have a business that is opposite this premises.

I can confirm that i have had no cause for concern in the relation to these premises and support the premisses license holder in this review.

For the avoidance of doubt i have no concerns regarding the premises and can clarify that i have never witnessed sales to drunken persons, seen any drunkenness, anti social behavior, disturbances or crime occurring.

Should you require any further information please do not hesitate to contact me.

Yours faithfully

Mr. A Pearce

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APPENDIX C

From: Robert Pearce [REDACTED]
Sent: Tuesday, August 8, 2023 8:03 PM
To: Licensing Shared Email [REDACTED]
Subject: It's mustard

You don't often get email from [REDACTED]. [Learn why this is important](#)

The Licensing Manager
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

8TH AUGUST 2023

via email

To The Licensing Authority.

With reference to the premises license at the above property ,I confirm that I not only live within the vicinity of "its mustard" but also have a business that is opposite this premises.

I can confirm that I have had no cause for concern in the relation to these premises and support the premises license holder in this review.

For the avoidance of doubt, I have no concerns regarding the premises and can clarify that I have never witnessed sales to drunken persons, seen any drunkenness, anti-social behavior, disturbances or crime occurring.

Should you require any further information please do not hesitate to contact me.

Yours faithfully
Robert pearce

Sent from my iPhone

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APPENDIX C

The Licensing Manager
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
Hants
PO1 2AL

8th August 2023

By email to: [REDACTED]

To the Licensing Authority,

Its Mustard, 116 Albert Road, Southsea, Portsmouth, PO4 0JS

I write with reference to the above and confirm that I live within the vicinity of 'It's Mustard' I have been made aware there is a review of the licence.

I've been a resident in Southsea for fifteen years, living in Wilson Grove and have frequented Albert Road on numerous occasions.

Equally when the wind is blowing south westerly I can here the abundance of noise on Fridays and weekends.

I have regularly visited 'It's Mustard' particularly on Sundays because my children enjoy the roast dinners immensely also the convivial atmosphere.

Adding to that I've also attended Friday & Saturdays for several beverages and have enjoyed the eclectic mix of old and younger people which has always been smiley and welcoming.

Comparing to other establishments on Albert Road, in my opinion the staff are excellent,accommodating and friendly Which can't be said for other restaurants and bars where you have undesirables being loud,aggressive and violent.

I confirm that I have had no cause for concern in relation to these premises and support the Premises Licence Holder in this review.

For the avoidance of doubt I have no concerns regarding the premises and can clarify that I have never witnessed sales to drunken persons, seen any drunkenness, anti-social behaviour, disturbances or crime occurring.

Should you require any further information please do not hesitate to contact me.

Yours faithfully,
S A WALL,
3 Wilson Grove,
Southsea,
PO5 1PD

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APPENDIX C

From: Maria West [REDACTED]
Sent: Tuesday, August 8, 2023 7:56 PM
To: Licensing Shared Email [REDACTED]; Licensing Shared Email [REDACTED]
Subject: It's mustard 116 Albert road

You don't often get email from [REDACTED] [Learn why this is important](#)

Good evening

I would just like to say what a wonderful environment its mustard has to offer.

I am in the process of relocating from Essex to southsea and its like being home from home back with friends, safe and friendly faces.

Everyone has made me feel so very welcome, and not being a student its very hard to find somewhere where an adult female can go.

I cannot wait for when my friends from home to visit as I will certainly make sure I will take them there, to introduce them all to one another and sure they will fall in love with the venue and people as much as I have.

Regards

Maria west

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PORTSMOUTH CITY COUNCIL

LICENSING DEPARTMENT

REVIEW REFERENCE NUMBER

28/02516/LAREVI



TO LICENSING MANAGER.

RE. MUSTARD. 116 ALBERT ROAD
SOUTHSEA. PO4 0SS.

I WISH TO MAKE IT KNOWN THAT I AM
AGAINST MUSTARD. NOT HAVE A LICENCE
BECAUSE ~~OF~~ THE ONGOING NOISE EVERY TIME
THE BAR IS OPEN. I LIVE 3 DOORS DOWN
AND WHEN THEY ARE OPEN I WILL NOT
GET ANY SLEEP UNTILL THEY CLOSE.

WITCH IS ABOUT 12-1.

THE LANGUAGE IS UNBELIEVABLE. AT THE
TIME. THERE ARE YOUNG FAMILIES ~~IN~~ THE
FLATS. HERE.

HOPPE YOUR DEPARTMENT CAN DO
SOMETHING ABOUT THIS PROBLEM.

YOURS SINCERELY

[REDACTED]

[REDACTED]

2/8/2023



Dear resident,
23/02516/LAREVI

Review reference number

Many of us in the neighborhood have been suffering loud noise, either music or voices shouting and swearing from 'Its Mustard' 116 Albert Road.

Below are a few questions and space for your name and contact details, please complete the form and we can forward it to the City Council for you.

Are you disturbed by loud music from the venue? YES NO

Are you disturbed by loud voices swearing and shouting from the venue? YES NO

Has this happened more than once? YES NO

Would you like the council to take action to stop the noise? YES NO

Would you like to attend the council meeting on 4th September when the premises license is reviewed? YES NO

Would you like us to keep you up to date on this subject? YES NO

Is there anything else you would like to say?.....

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

Name: [Redacted].....

Address: [Redacted].....

Email: [Redacted].....

Phone: [Redacted].....

Would you like to keep anonymous from Its mustard YES No

This page is intentionally left blank



Dear resident,
23/02516/LAREVI

Review reference number

Many of us in the neighborhood have been suffering loud noise, either music or voices shouting and swearing from 'Its Mustard' 116 Albert Road.

Below are a few questions and space for your name and contact details, please complete the form and we can forward it to the City Council for you.

Are you disturbed by loud music from the venue? YES NO

Are you disturbed by loud voices swearing and shouting from the venue? YES NO

Has this happened more than once? YES NO

Would you like the council to take action to stop the noise? YES NO

Would you like to attend the council meeting on 4th September when the premises license is reviewed? YES NO

Would you like us to keep you up to date on this subject? YES NO

Is there anything else you would like to say?.....

Since the venue opened it's affected the flats in my building at weekends particularly.

Name: [Redacted]

Address: [Redacted]

Email: [Redacted]

Phone: [Redacted]

Would you like to keep anonymous from Its mustard? YES No

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Rep Four



Dear resident,
23/02516/LAREVI

Review reference number

Many of us in the neighborhood have been suffering loud noise, either music or voices shouting and swearing from 'Its Mustard' 116 Albert Road.

Below are a few questions and space for your name and contact details, please complete the form and we can forward it to the City Council for you.

Are you disturbed by loud music from the venue? YES NO

Are you disturbed by loud voices swearing and shouting from the venue? YES NO

Has this happened more than once? YES NO

Would you like the council to take action to stop the noise? YES NO

Would you like to attend the council meeting on 4th September when the premises license is reviewed? YES NO

Would you like us to keep you up to date on this subject? YES NO

Is there anything else you would like to say? its too noisy

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

Name: [Redacted]

Address: [Redacted]

Email: [Redacted]

Phone: [Redacted]

Would you like to keep anonymous from Its mustard YES No

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REP FIVE

Dear resident,
23/02516/LAREVI

Review reference number



Many of us in the neighborhood have been suffering loud noise, either music or voices shouting and swearing from 'Its Mustard' 116 Albert Road.

Below are a few questions and space for your name and contact details, please complete the form and we can forward it to the City Council for you.

Are you disturbed by loud music from the venue? YES NO

Are you disturbed by loud voices swearing and shouting from the venue? YES NO

Has this happened more than once? YES NO

Would you like the council to take action to stop the noise? YES NO

Would you like to attend the council meeting on 4th September when the premises license is reviewed? YES NO

Would you like us to keep you up to date on this subject? YES NO

Is there anything else you would like to say?.....

overly loud at weekends and late at night

Name: [Redacted]

Address: [Redacted]

Email: [Redacted]

Phone: [Redacted]

Would you like to keep anonymous from Its mustard YES No

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Dear resident,
23/02516/LAREVI

Review reference number

Many of us in the neighborhood have been suffering loud noise, either music or voices shouting and swearing from 'Its Mustard' 116 Albert Road.

Below are a few questions and space for your name and contact details, please complete the form and we can forward it to the City Council for you.

Are you disturbed by loud music from the venue? YES NO

Are you disturbed by loud voices swearing and shouting from the venue? YES NO

Has this happened more than once? YES NO

Would you like the council to take action to stop the noise? YES NO

Would you like to attend the council meeting on 4th September when the premises license is reviewed? YES NO

Would you like us to keep you up to date on this subject? YES NO

Is there anything else you would like to say?

.....
My children can not sleep at night
.....
.....
.....

Name

Address

Email:

Phone

Would you like to keep anonymous from Its mustard? YES No

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REP SEVEN

Dear resident,
23/02516/LAREVI

Review reference number



Many of us in the neighborhood have been suffering loud noise, either music or voices shouting and swearing from 'Its Mustard' 116 Albert Road.

Below are a few questions and space for your name and contact details, please complete the form and we can forward it to the City Council for you.

Are you disturbed by loud music from the venue? YES NO

Are you disturbed by loud voices swearing and shouting from the venue? YES NO

Has this happened more than once? YES NO

Would you like the council to take action to stop the noise? YES NO

Would you like to attend the council meeting on 4th September when the premises license is reviewed? YES NO

Would you like us to keep you up to date on this subject? YES NO

Is there anything else you would like to say?.....

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

Name: [Redacted] ...

Address: [Redacted]

Email:.....

Phone: [Redacted].....

Would you like to keep anonymous from Its mustard YES NO

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REP EIGHT



Dear Sir/Madam

I am writing to you with reference to Its Mustard 116 Albert Road Southsea PO4 0JS and the continuing of noise and other problems I have been suffering. The level of noise has been unbearable over the last few months, to the point of all the residents complaining to me the music is so loud they can't enjoy the outside space, unable to leave the window open and children not being able to sleep. This is not at all fair on families, especially since they have been working hard all week for family life to be so disruptive that they cannot enjoy family life on the weekends.

Apart from the level of music the rear of 116 Albert Road has been turned into a pub garden with customers screaming, shouting and terrible swearing this has carried onto the early hours i.e., 1.30 a.m. Proberley known as a lock in or private party with the same customers that have been in the bar during the normal opening hours this noise starts approx. 1.00p.m. to 2.00a.m.

The rear of Albert Road is a residential area with several houses and flats. Previously we could not hear any noise from Albert Road but now Albert Road has been bought round to the rear where families with children reside.

The bar manager from its Mustard has been round to the residents of 1,2 and 3 The Old Bakery knocking even banging on their doors and in an aggressive manner asking them if the music is too loud not at all in a friendly way very much like intimidation whom they assume have complained about the noise to Portsmouth City Council. This happened 3 days after its mustard had received the Notice of Review Application.

On that evening I bumped into Mr. Adam Stringer, the proprietor of its mustard in the rear ally way and asked him not to knock on the doors of the tenants of the Old Bakery as this was distressing for the tenants. He then became very aggressive and placed his forehead on my nose and told me he would do me any place any time basically he wanted to fight me he suggested Wimbledon Park out of sight of any CCTV camera's later that evening I passed him again in the rear driveway and he told me he was going to have me sorted out, I was so disturbed by this I had to call the police I am 55 years old and was very shaken by this incident.

I am now frightened to walk down the rear drive at night as something might happen to me, I find this so unfair as I have lived here for the last 50 years in what I considered a safe environment. I have been told that no planning permission has been granted for the construction work carried out for Its Mustard. I will be sending Photographs of perspective of how close the bar garden of its mustard is too residential Properties of The Old Bakery. There are a few residents around the bar Its Mustard whose 1st language is not English and therefore find it difficult to complain to Portsmouth City Council.

I wish to remain anonymous as I fear for my safety, I hope that this situation can be put right as soon as possible and then the residents can return to normal life.

Yours sincerely

[Redacted signature]

[Redacted address]



Dear resident,
23/02516/LAREVI

Review reference number

Many of us in the neighborhood have been suffering loud noise, either music or voices shouting and swearing from 'Its Mustard' 116 Albert Road.

Below are a few questions and space for your name and contact details, please complete the form and we can forward it to the City Council for you.

Are you disturbed by loud music from the venue? YES NO

Are you disturbed by loud voices swearing and shouting from the venue? YES NO

Has this happened more than once? YES NO

Would you like the council to take action to stop the noise? YES NO

Would you like to attend the council meeting on 4th September when the premises license is reviewed? YES NO

Would you like us to keep you up to date on this subject? YES NO

Is there anything else you would like to say?.....

I live on the opposite side of Albert Rd. I dread the weekend where I know the music is loud, disruptive behaviour, and concern for safety of females as they are too drunk to take care of themselves + witnessed assault where owner locked door and gave no assistance.

Address:..



Email:.....



Phone:.....

Would you like to keep anonymous from Its mustard? YES No

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Dear resident,
23/02516/LAREVI

Review reference number

Many of us in the neighborhood have been suffering loud noise, either music or voices shouting and swearing from 'Its Mustard' 116 Albert Road.

Below are a few questions and space for your name and contact details, please complete the form and we can forward it to the City Council for you.

Are you disturbed by loud music from the venue? YES NO

Are you disturbed by loud voices swearing and shouting from the venue? YES NO

Has this happened more than once? YES NO

Would you like the council to take action to stop the noise? YES NO

Would you like to attend the council meeting on 4th September when the premises license is reviewed? YES NO *I'm afraid that we're working on that day.*

Would you like us to keep you up to date on this subject? YES NO

Is there anything else you would like to say?.....

*We've got young kids, their sleep had been disturbed many times.
Repaired*

Name: [Redacted]

Address: [Redacted]

Email: [Redacted]

Phone: [Redacted]

Would you like to keep anonymous from Its mustard YES No

We don't mind.

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Dear resident,
23/02516/LAREVI

Review reference number

Many of us in the neighborhood have been suffering loud noise, either music or voices shouting and swearing from 'Its Mustard' 116 Albert Road.

Below are a few questions and space for your name and contact details, please complete the form and we can forward it to the City Council for you.

Are you disturbed by loud music from the venue? YES NO

Are you disturbed by loud voices swearing and shouting from the venue? YES NO

Has this happened more than once? YES NO

Would you like the council to take action to stop the noise? YES NO

Would you like to attend the council meeting on 4th September when the premises license is reviewed? YES NO

Would you like us to keep you up to date on this subject? YES NO

Is there anything else you would like to say?.....

Too loud!

Name: [Redacted]

Address: [Redacted]

Email: [Redacted]

Phone: [Redacted]

Would you like to keep anonymous from Its mustard YES No

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REP TWELVE

[REDACTED]

Review REF Num 23/02516/LAREV 1

01-08-2023

Sir Madam

I am writing this letter to convey my
I am living within the vicinity of the venue IT'S MUSTARD
at 116 Albert road Southsea Portsmouth. For 9 months I've had
deals with the noise, music emitting from the mentioned venue.
The impact on my life has been unbearably stressful, the anxiety, the
stress is to the point if the issues are not resolved I will be unable
to continue to reside at my home. I will be forced to move out.
Especially I vacate my family home of 16 years if the noise becomes
unbearable. I have trouble dealing with the music, drunk people
drinking, shouting bad language in the venue's outside area.
To mention the broken glasses, bottles, cigarettes ends, even people
coming into my outside area. This is having a huge impact on my
well-being. I have not spoken to the landlady or owner of IT'S
MUSTARD as other neighbours have aired their concerns only to be
met with aggression. The current format this venue is managed
is more like a night club. I have lived in this property for
many years and been within my family for over 100 years.
I fully understand the dynamics of Albert road, being mixed
residential properties. Other venues on the main
road are fully sound proof to limit the noise, to
be a consideration for the local residential community.
I have contacted the environment team countless times. The
venue has had various opportunity to show restraint and consideration
to the residential community and sadly has choose not to do so.

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cannot leave my windows open at weekends due to the noise, feel uncomfortable sitting in my garden. I am unable to be a family with younger children as I do not want to expose them to language & noise. The owner has used a form of intimidation & the abatement notices at the rear of the properties, which is the form of access for at least 10 residents, 5 which use the access park in garage & garden drives, stating they require his permission will have to pay a fee to drive over the land, stating he will in gates, sleeping policeman, bollards and only give a key to residents pay. Even though all properties have right of way over the land. The owner has also on occasions blocked the land with vehicles & stopped residents from accessing their properties. When approached and asked why he is doing this, he replies "everyone is being unfriendly to him by complaining, so he will be unfriendly" where the refuse is kept, its purposely left messy, with foxes oftening all around the area.

is the worst I've felt living here since moving in. I do not enjoy living here any more. I'm ready to move out. Things stay the same.

I like to thank horraine and the team for all their hard work they have done for the local community regarding this matter.

yours Faithfully

I would like to stay anonymous in fear of reprisals.

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REP 13

Lorraine Astill

Licensing Manager

Authorised Officer and on behalf

Of the Head of service

REF 23/02516/LAREVI

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Tel;

[REDACTED]

Dear Lorraine

We are deeply concerned about the noise situation arising from Its Mustard 116 Albert Road.

Our concerns are with the extra loud music from the bar / garden, and customers loud voices and swearing from the garden. Our neighbours have small children, and this language is unacceptable.

We have in the past had a noise issue with the wedgwood rooms, the wedgwood rooms manager has visited us in a professional and understanding manner, he then took action and fitted extra soundproof doors to eliminate the problem, however we find the manager from its mustard unapproachable and inconsiderate to our requests. We have walked the length of Albert Road on a Saturday night, and the only noise spilling out into the street from a pub / venue, is from its mustard.

Whatever the outcome we feel there will be repercussions, as the noise is only one issue from the owner of its mustard, threats have been made to our neighbours and landlord, whereupon the police have been called.

This has been happening for some months now, we feel if this continues our only option will be to move, after living here for about 18 years we find this situation unacceptable.

We sincerely hope the license is revoked after the hearing, and we can all try to resume to normal life.

Yours sincerely

[REDACTED]

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REP 14

From: [REDACTED]
Sent: Wednesday, August 2, 2023 7:29 AM
To: Licensing Shared Email [REDACTED]
Subject: It's Mustard @ 116 Albert road

Dear Sir/Madam,

I believe that Lorraine Astill from the noise abatement team has passed on my email to her about an incident regarding the licensee (a woman I know as Jo) of the above premises, who is targeting me.

I have had 3 encounters to date, the first was a couple of months ago on a particularly noisy Saturday night when I spoke directly to the premises owner (a man I know to be called Adam) outside my property. I asked him if he could imagine what it was like to live next door to a beer garden. Jo came out of the premises, stormed over to where I stood at my front door shouting at me that I was putting her licence in jeopardy and who the F*** did I think I was!

The second incident was as I reported to Lorraine by email that I also reported to the police online and in Sunday last Jo and Adam came out at 9:41 pm and she shouted at my property (my front door was open to let my cat out) "Here we are, we've finished now so don't bother complaining" then went back into the beer garden together and started shouting and laughing at the top of their voices.

I am being targeted by her, if not both of them and as much as I would like to attend the hearing, I feel I am unable to as I fear the repercussions and/or reprisals and ask my name to be withheld. Life at my property since December last year (their opening night) has been miserable, the noise from the music has been horrendous every weekend and then the loud voices shouting and swearing in the beer garden is obscene.

My very first encounter with Adam happened on March 27th last year when he verbally abused me for blocking his parking space, a little after that he verbally abused my neighbour at his car, whilst his children were with him, which I witnessed first hand. He, Adam, was extremely aggressive to us both and intimidating, as has Jo had been on all 3 occasions with me.

Please, please, please help.

Kindest regards
[REDACTED]

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APPENDIX C - REP 15

Noise Pollution: It's Mustard, 116 Albert Road, Portsmouth & Southsea PO4 0JS

Date: 08 August 2023

I am writing to submit evidence for ongoing noise pollution from It's Mustard, a commercial business in Southsea. It has been impacting my mental wellbeing since 11 February 2023, the date I moved into [REDACTED], the upstairs flat that is next door to the business. I also lived here from 2018-20, when the restaurant was a shop.

The noise in question is live DJ music as well as loud voices and shrieking in the smoking area during these live DJ music events. These events, themed as "bottomless brunches", have started as early as 13:00 and continued to as late as 00:30 the next day, with these times averaging to 15:00-23:00. The music can be heard throughout my flat, in every room, with the television on; windows shut; doors shut and even carries through my headphones. The bass thumps and shakes throughout my property too. The smoking area noise can be heard in my bathroom, kitchen and bedroom. These noises start loud and get louder throughout the evening.

The impact of this noise is that there is nowhere I can be in my property to get away from it. The noise prevents me from sleeping and impacts my overall mental health. I get headaches, I am more stressed out and at times I have been unable to get on with my activities the following day, as a result of listening to incredibly jarring and repetitive beats for 8+ hours most weekends.

I have gone to stay with my parents to get away from this noise and protect my wellbeing, but I cannot afford to do this every weekend. I have also tried to plan my day around it, such as going to the gym at night (which as a young woman is unsafe). I am unable to use my garden when these live music events are happening because there is too much noise (+ air pollution) even with a set of headphones on. I cannot relax in my living room or bedroom, nor can I use my bath because of the sound vibrations.

The noise first became apparent to me the day I moved into my property, on 11 February 2023. I put it down to a one-off, but the same thing happened on 25 February. On 26 February, I went into the business to speak to the owner to understand how often the noise was going to occur and to reach an agreement of things he could do to help mitigate the noise.

He was rude, defensive and told me there was nothing he could do, saying that he "has to do what the customer wants" and deflected blame to other venues on Albert Road, stating he had already sound-proofed the bar. I used to live in this flat in 2018-20, when the restaurant was a shop. I am aware of the typical noise of Albert Rd, living near the Wedgewood Rooms and a recording studio. This new noise is excessive and the owner does not seem to care.

Crucially, the owner told me the event happens once a month, so I gave him the benefit of the doubt and didn't register a complaint with the council until later. After weeks of consecutive live events, it was clear that the "once a month" spiel I was given was not the truth. I worked out that these events started in January from social media, when there was no one living in my flat.

On 25 March at 16:23, a day of yet more repetitive noise, I registered a complaint with the council. Since then, the noise has been an almost weekly occurrence, with negative impacts to my mental wellbeing and inability to relax or sleep. I do not see how anyone could put up living with such consistent noise pollution. It makes this property uninhabitable.

Diary

Date	Time (ish)	Noise & Impact of Noise
11/02/23	12:00-00:00	Non-stop. Thumping bass at high volume, audible in every area of my house. TV and headphones don't mask it. Increasingly loud voices in the smoking area as the night continues. Prevents me from sleeping.
25/02/23	12:00-00:00	Non-stop. Thumping bass at high volume, audible in every area of my house. TV and headphones don't mask it. Increasingly loud voices in the smoking area as the night continues. Prevents me from sleeping.
11/03/23	14:00-00:00	Loud noise from 14:00 with excessive noise from 15:45 non-stop. Can hear it in my bedroom and all other areas of my flat, insanely loud by midnight. Insane thumping, repetitive beats, shrieking. Prevents me from sleeping.
18/03/23	15:00-23:30	As above.
25/03/23	15:45-23:30	As above.
01/04/23	N/A	The live music event is advertised on social media but I cannot put up with another chaotic evening so I make plans to go and stay with my parents in West Sussex.
07/04/23	19:30-23:00	Not a bottomless brunch event, but music audible throughout the property, particularly in the bedroom and living room.
08/04/23	15:00-02:00	Non-stop noise, excessive thumping bass and house music. Audible everywhere in my house. Prevents me from sleeping. I think this is the night Lorraine first told them to turn it down and the owner was extremely rude. If so, the music decreases substantially at about 23:00, but then picks back up by 23:30. Seems to be retaliation to being told to turn it down as music and loud voices continue until about 02:00.
22/04/23	15:00-23:00	Non-stop. Thumping bass at high volume, audible in every area of my house. TV and headphones don't mask it. Increasingly loud voices in the smoking area as the night continues.
29/04/23	15:00-23:00	Non-stop. Thumping bass at high volume, audible in every area of my house. TV and headphones don't mask it. Increasingly loud voices in the smoking area as the night continues.

06/05/23	15:00-23:00	Loud funk and bass music at high volume, audible in every area of my house, lyrics audible, cannot relax. At times the music does decrease but still audible with TV on.
20/05/23	16:00-20:00	Loud funk and bass music at high volume, audible in every area of my house, lyrics audible. Presume the music continued until 23:00 but cannot confirm this as I left to attend an event.
27/05/23	15:00-23:00	Loud bass music at high volume, audible in every area of my house, lyrics audible, cannot relax. Audible with TV on. Prevents me from sleeping.
03/06/23	16:00-23:00	Loud bass music at high volume, audible in every area of my house, lyrics audible, cannot relax. Audible with TV on. Prevents me from sleeping.
10/06/23	16:45-23:00	Loud funk and bass music at high volume, audible in every area of my house, lyrics audible, cannot relax. Audible with TV on. Prevents me from sleeping. 1 x MP4 download from Instagram Stories attached.
01/07/23	15:00-00:45	Loud funk and bass music at high volume, audible in every area of my house, lyrics audible, cannot relax. Exceptionally loud from 15:58 and onwards. Prevents me from sleeping. Super loud beer garden voices. Extremely draining and headache-inducing, nowhere in my flat I can go to be away from the noise, audible above television on max volume and the windows shut, audible through headphones as well. Music stops at 23:00 but loud voices continue until 00:45 ish.
08/07/23	14:00-23:00	Loud house music at high volume, audible in every area of my house, lyrics audible, cannot relax. Audible with TV on. Prevents me from sleeping.
15/07/23	18:30-23:30	I make plans to be away for the day so come back to noise already underway. Shouting and shrieking from the beer garden, thumping bass throughout every room in my flat. Nowhere I can go in my flat to be away from this noise. I make plans to leave at 20:00-23:30 to get away from the noise. Once I had returned, the music had stopped but there were still loud voices from the beer garden, preventing me from sleeping.
22/07/23	14:00-23:00	Loud funk and house music at high volume, audible in every area of my house, lyrics audible, cannot relax. A little more intermittent than other nights, but still audible with TV on.
05/08/23	14:00-23:00	Loud funk and house music at high volume, audible in every area of my house, lyrics audible, cannot relax. Live saxophone being played. Audible with TV on and headphones on. Prevents me from sleeping. 3 x MP4 download from Instagram Stories attached. Bass vibrations coming through walls.

APPENDIX D

Additional Noise breaches It's Mustard Albert Road, Southsea

22nd July

call from the comp at 18:10 re loud music from Its Mustard.

On driving towards Waverly Road I noticed that the front door to Its Mustard was open. I parked in Waverley Road and entered the complainants at the rear of albert road. Upon entering the complainants property loud music could be heard from Its Mustard. No music was audible from the Sound Studio

Bass beat from music being played at Its Mustard was audible upon entering the complainants property.

I entered the living room and noted that no music was coming from the Wedgewood Rooms.

The volume of the bass was up and down but when it was loud it could be heard above the traffic on Albert Road. The bass beat was audible throughout the complainants property and there was no where that they could escape the noise and was having a significant impact upon the complainants home.

The music changed and the lyrics to Le Freak could be heard word for word.

5th August

Noise monitoring installed within the complainants property

Analysis of recordings statutory nuisance being caused in breach of noise abatement notices

04/08/23

11:41 calibration

11:43 setting up of equipment

05/08/23

13:59 comp announcing date, time and place of recording with window closed. Bass beat audible. Lyrics audible but unable to identify track. customers hear laughing LAeq 41dB **63Hz 50dB** 125Hz 46dB.

14:25 comp announcing date, time and place of recording, window closed. People noise, music audible. Saxophone audible with low background music, passing motorbike LAeq 36dB **63Hz 46dB** 125Hz 29dB

14:28 comp announced recording again because bass has kicked in. Saxophone audible. LAeq 44dB **63Hz 63dB** 125Hz 47dB people noise, comp moving around. Lyrics audible but unable to identify the track, girls screeching.

15:01 comp announcing date, time and place of recording, window closed. All doors shut in the flat. bass beat audible. LAeq 38dB **63Hz 46dB** 125Hz 38dB. **Peak 63Hz 66dB**. Lyrics audible but unable to identify the track. Rain audible dripping outside. Noise from customers talking.

18:07 comp announcing date, time and place of recording, window closed, all doors shut in flat. Bass audible, LAeq 48dB **63Hz 63dB** 125Hz 48dB females heard talking.

18:37 comp announcing date, time and place of recording, window closed. Lyrics audible " I want your love, I need your love" Chic, " all night long" LAeq 45dB **63Hz 56dB** 125Hz 46dB customers talking.

19:31 comp announcing date, time and place of recording, window closed, all doors shut. Customers talking. Impact noise, Bass audible LAeq 42dB **63Hz 49dB** 125Hz 40dB

19:39 comp announcing date, time and place of recording, window closed, all doors shut. Comp said bass ramped up so recording again. Female voices heard talking. Bass audible LAeq 43dB **63Hz 60dB** 125Hz 46dB

19:42 comp saying bass went quiet and has now picked up again. Customers voices, heavy bass beat. **Bass level peak 63Hz 63dB** LAeq 44dB **63Hz 60dB** 125Hz 46dB

20:47 comp announcing date, time and place of recording, doors and windows closed, customer noise, music heard, some lyrics audible "its my life". Some impact noise and bass level increasing **Peak 63Hz 64dB** LAeq 42dB **63Hz 52dB** 125Hz 40dB

21:32 comp announcing date, time and place of recording, doors and windows closed, customers voices, bass beat, possible washing machine spinning, kettle boiling bass beat heard above the nose from the kettle.

22:46 comp announcing date, time and place of recording, doors and windows closed customers talking, possible washing machine spinning.

07/08/23 equipment collected

Appendices

1. Premises licence - Joanne Johnstone (Appendix B)
2. Council tax record for 116 Albert Road
3. Companies House details for Sign of the Times (GB) Ltd
4. Companies House details for It's Mustard Ltd
5. 116 Albert Road - Planning Application drawing
6. Instagram picture of glass roof - 6th May 2023
7. Instagram picture of date of opening - 10th December 2022
8. Initial letter to Joanne Johnstone regarding noise complaints
9. Instagram advertisement for DJ on 8th April 2023
10. Noise abatement notice for Joanne Johnstone
11. Letter with noise abatement notice for Joanne Johnstone
12. Noise abatement notice for It's Mustard Ltd
13. Letter with noise abatement notice for It's Mustard Ltd
14. First breach of abatement notice letter for Joanne Johnstone 22.04.23
15. First breach of abatement notice letter for It's Mustard Ltd 22.04.23
16. Facebook advertisement for DJ on 6th May 2023
17. Second breach of abatement notice letter for Joanne Johnstone 06.05.23
18. Second breach of abatement notice letter for It's Mustard Ltd 06.05.23
19. Facebook advertisement for DJ 27th May 2023
20. Facebook advertisement for DJ 3rd June 2023
21. Third breach of abatement notice letter for Joanne Johnstone 03.06.2023
22. Third breach of abatement notice letter for It's Mustard Ltd 03.06.2023
23. Facebook advertisement for 10th June 2023
24. Facebook advertisement for 1st July 2023
25. Transcript of noise monitoring equipment installed in complainant's property
26. Service request details 23/00315/ENI
27. Service request details 23/00307/ENI
28. Service request details 23/00734/ENI
29. Service request details 23/00730/ENI
30. Service request details 23/00811/ENA

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APPENDIX 2

Council Tax - 116 Albert Road

NEC
Revenues Benefits

Accounts
Collection
Bulk Updates
Statistics
Year End
Work Management
Lookup Enquiry

Summary
Liability
Transactions
Recovery
Correspondence
Property
Property Setup
Reorganisations
Notes (Y)
Suspense

Reference

Go
🔍
🔊

Account Ref [REDACTED]

Period 09-JUN-2020 to (open)

Liable Parties Signs Of The Times (Gb) Limited

Status CALC_FTR-SU

Property Address 116 Albert Road, Southsea, Hants, PO4 0JS

Property Ref [REDACTED]

UPRN

Admin Area National Non Domestic Rates

Contact Address 26 Cherry Orchard Road, Bromley, Kent, BR2 8NE

Key Details

Balance [REDACTED]

Designation Commercial

Description Shop And Premises

Valuation RV 7700

Relief SBRE

Profile DEFAULT

Show All
Liable Parties
NDR Reliefs and Exemptions
Responsible Parties

Liable Parties
Maintain Liable Parties ?

Page 83

PIN	Liable Party	Assigned From	Pri	Active Contact Address
2809138	Signs Of The Times (Gb) Limited	Responsible Party	<input checked="" type="checkbox"/>	26 Cherry Orchard Road, Bromley, Kent, BR2 8NE

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SIGNS OF THE TIMES (GB) LIMITED

Company number **07017611**

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- [More \(https://beta.companieshouse.gov.uk/company/07017611/more\)](https://beta.companieshouse.gov.uk/company/07017611/more)

Registered office address
26 Cherry Orchard Road, Bromley, Kent, BR2 8NE

Company status
Active

Company type
Private limited Company

Incorporated on
14 September 2009

Accounts

Next accounts made up to **31 March 2023**
due by **31 December 2023**

Last accounts made up to **31 March 2022**

Confirmation statement

Next statement date **8 September 2023**
due by **22 September 2023**

Last statement dated **8 September 2022**

Nature of business (SIC)

- 96090 - Other service activities not elsewhere classified

[Tell us what you think of this service \(https://www.smartsurvey.co.uk/s/getcompanyinformation/\)](https://www.smartsurvey.co.uk/s/getcompanyinformation/) [Is there anything wrong with this page? \(/help/feedback?sourceurl=https://find-and-update.company-information.service.gov.uk/company/07017611\)](https://find-and-update.company-information.service.gov.uk/company/07017611)

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 - [Filing history \(https://beta.companieshouse.gov.uk/company/07017611/filing-history\)](https://beta.companieshouse.gov.uk/company/07017611/filing-history)
 - [People \(https://beta.companieshouse.gov.uk/company/07017611/officers\)](https://beta.companieshouse.gov.uk/company/07017611/officers)
 - [More \(https://beta.companieshouse.gov.uk/company/07017611/more\)](https://beta.companieshouse.gov.uk/company/07017611/more)
- [Officers](#)
 - [Persons with significant control \(/company/07017611/persons-with-significant-control\)](/company/07017611/persons-with-significant-control)

Filter officers



Current officers

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1 officer / 0 resignations

STRINGER, Adam

Correspondence address **26 Cherry Orchard Road, Bromley, Kent, BR2 8NE**

Role Active **Director**

Date of birth [REDACTED]

Appointed on **14 September 2009**

Nationality **British**

Country of residence **England**

Occupation **Sign Writer**

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APPENDIX 4

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Find and update company information

IT'S MUSTARD LTD

Company number **14518394**

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- [Filing history \(https://beta.companieshouse.gov.uk/company/14518394/filing-history\)](https://beta.companieshouse.gov.uk/company/14518394/filing-history)
- [People \(https://beta.companieshouse.gov.uk/company/14518394/officers\)](https://beta.companieshouse.gov.uk/company/14518394/officers)
- [More \(https://beta.companieshouse.gov.uk/company/14518394/more\)](https://beta.companieshouse.gov.uk/company/14518394/more)

Registered office address

24 Cherry Orchard Road, Bromley, Kent, United Kingdom, BR2 8NE

Company status

Active

Company type

Private limited Company

Incorporated on
1 December 2022

Accounts

First accounts made up to **31 December 2023**
due by **1 September 2024**

Confirmation statement

First statement date **30 November 2023**
due by **14 December 2023**

Nature of business (SIC)

- 56302 - Public houses and bars

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IT'S MUSTARD LTD

Company number **14518394**

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- [Overview](https://beta.companieshouse.gov.uk/company/14518394) (https://beta.companieshouse.gov.uk/company/14518394)
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 - [People](https://beta.companieshouse.gov.uk/company/14518394/officers) (https://beta.companieshouse.gov.uk/company/14518394/officers)
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Filter officers



Current officers

Page 91

[Apply filter](#)

1 officer / 0 resignations

STRINGER, Adam

Correspondence address **24 Cherry Orchard Road, Bromley, Kent, United Kingdom, BR2 8NE**

Role Active **Director**

Date of birth [REDACTED]

Appointed on **1 December 2022**

Nationality **British**

Country of residence **United Kingdom**

Occupation **Company Director**

[Tell us what you think of this service \(https://www.smartsurvey.co.uk/s/getcompanyinformation/\)](https://www.smartsurvey.co.uk/s/getcompanyinformation/) [Is there anything wrong with this page? \(/help/feedback?sourceurl=https://find-and-update.company-information.service.gov.uk/company/14518394/officers\)](https://find-and-update.company-information.service.gov.uk/company/14518394/officers)

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APPENDIX 5

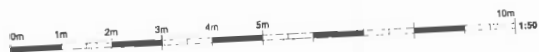
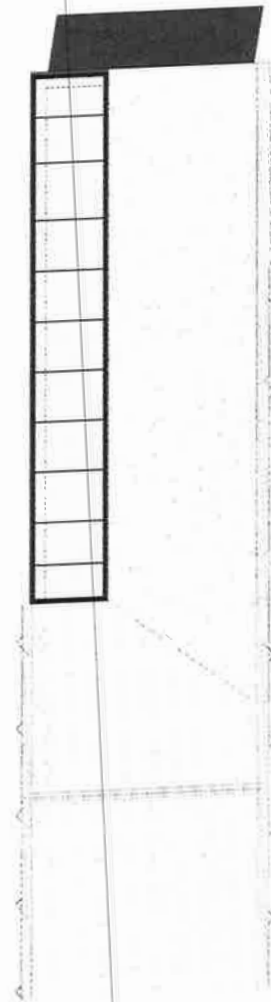
GROUND FLOOR PLAN



FIRST FLOOR PLAN



ROOF PLAN



ADDITIONAL NOTES / KEY

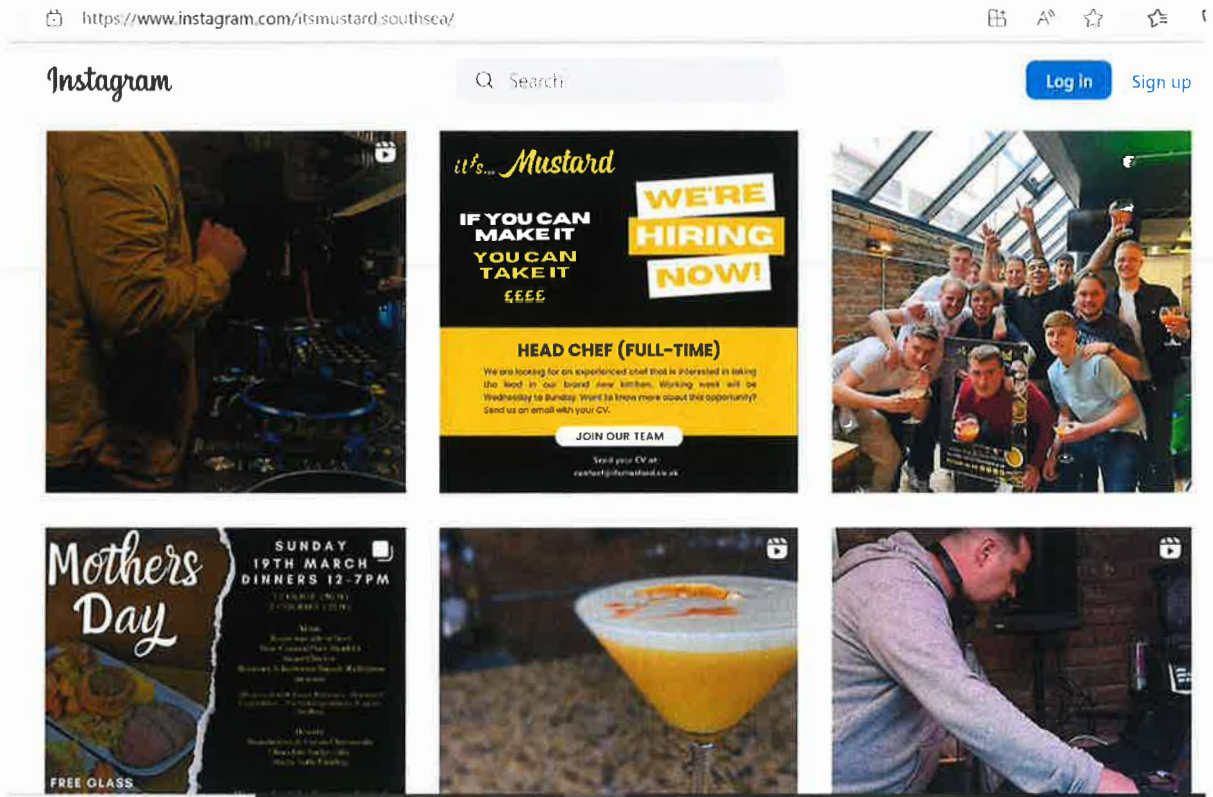
NO. 1	DATE	DESCRIPTION
1	10/10/2024	ISSUED FOR PERMIT APPLICATION
2	10/10/2024	ISSUED FOR PERMIT APPLICATION
3	10/10/2024	ISSUED FOR PERMIT APPLICATION
4	10/10/2024	ISSUED FOR PERMIT APPLICATION
5	10/10/2024	ISSUED FOR PERMIT APPLICATION
6	10/10/2024	ISSUED FOR PERMIT APPLICATION
7	10/10/2024	ISSUED FOR PERMIT APPLICATION
8	10/10/2024	ISSUED FOR PERMIT APPLICATION
9	10/10/2024	ISSUED FOR PERMIT APPLICATION
10	10/10/2024	ISSUED FOR PERMIT APPLICATION

BAARC HD
 25 Beach Road
 Sogga Hill
 Weymouth
 Kent
 TN75 3JY
 Tel: 01794 516000
 Email: info@baarc.co.uk

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Its Mustard - Glass roof and DJ setting up



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APPENDIX 7

Its Mustard opening night - Instagram

Instagram

Search



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Regulatory Services

Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Phone: (023) 92[REDACTED]

Email: [REDACTED]

**Our Ref: 23/00307/ENI &
23/00315/ENI**

Date: 9th February 2023

Joanne Johnstone (DPS)
Its Mustard
116 Albert Road
Southsea
PO4 0JS

Dear Ms Joanne Johnstone

RE: COMPLAINT OF NOISE NUISANCE FROM THE ITS MUSTARD, 116 ALBERT ROAD, SOUTHSEA, PO4 0JS

We received a complaint concerning loud music, shouting and rowdy behaviour in the garden, which the callers stated, has been coming from your premises. It was alleged that the noise is causing sleep disturbance to nearby local residents

Please note that we are not accusing you of anything and currently have no evidence to substantiate these allegations, we simply wish to make you aware the complaint has been made and give you the opportunity to discuss the matter further with us.

It is possible that the information provided by the complainant may be exaggerated or mistaken, but we have a duty to investigate all complaints received, which may include observations on the premises and the use of recording equipment.

Should we subsequently establish that noise is causing statutory nuisance then enforcement action could be taken, which includes service of a noise abatement notice effectively making any further noise an offence and liable to prosecution, or alternatively we may seek to review the premises licence. However, it is important to understand we will not take any further action without evidence to support the allegation.

In the meantime, I would suggest it would be beneficial for you contact me so we can discuss these issues further.

Yours sincerely

[REDACTED]
Lorraine Astill
Principal Regulatory Services Officer

CC: PREMISE LICENCE HOLDER -


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APPENDIX 9

Its Mustard - Bottomless Brunch Easter Saturday 8th April

 <https://www.instagram.com/itsmustard.southsea/>

Instagram

 Search



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ABATEMENT NOTICE IN RESPECT OF A STATUTORY NUISANCE

ENVIRONMENTAL PROTECTION ACT 1990 PART III AS AMENDED BY SECTION 3 OF THE NOISE AND STATUTORY NUISANCE ACT 1993 & SECTION 101-103 OF THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

Ref: 12/LWA/23

To: Joanne Johnstone (DPS)

I certify this is a true copy of the notice delivered via email at 14:01hrs and by record delivery (ref DF952192835GB) at 14:45hrs

Date: 11th April 2023

1. Notice

This is a formal notice issued by Portsmouth City Council ("the Council") because it is satisfied that a statutory nuisance under section 79(1)(g) of the Act is likely to recur within its area in that music emanating from Its Mustard, 116 Albert Road, Southsea, PO4 0JS has caused and is likely to cause nuisance to occupiers of other premises in the area.

2. What you are required to do

You are the person responsible for the nuisance. You are therefore required to prohibit recurrence of the nuisance forthwith from the date upon which this notice was served upon you.

3. What happens if you fail to comply

If without reasonable excuse you contravene or fail to comply with any requirement of this notice:

- 3.1 This is an offence and liable on summary conviction to an unlimited fine together with a further fine of an amount equal to one tenth of the greater of £5,000 or level 4 for each day on which the offence continues after conviction; or
- 3.2 In order to secure the abatement, prohibition or restriction of the nuisance, the Council may bring proceedings in the High Court; and
- 3.3 The Council has power to execute the works specified in the notice and recover from you any necessary expenditure incurred. This includes the power to seize any equipment used to create the nuisance.

4. Your right to appeal

You may appeal to a magistrate's court against this notice within 21 days, beginning with the date on which this notice was served upon you.

This is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisances (Appeals) Regulations 1995 applies, and in consequence, in the event of an appeal this notice shall not be suspended until the appeal has been abandoned or decided by the court, as, in the opinion of the Council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

DATED: 11th April 2023

Portsmouth City Council

Regulatory Services
Civic Offices
Guildhall Square
Portsmouth PO1 2AL
(address to which all communications should be sent)

(Signed) 
Lorraine Astill
Principal Regulatory Services Officer
(The officer appointed for the purpose)

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:-

APPEALS UNDER SECTION 80(3) of the ENVIRONMENTAL PROTECTION ACT 1990 ("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) 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 practical 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 Control of Pollution Act 1974 ("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, of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (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 owner of the premises, the occupier 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, or
 - (ii) a person who is also 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 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 the 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

To Joanne Johnstone (DPS)
Its Mustard Ltd



Regulatory Services
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Phone: 023 9283 4829

Email: 

Our Ref: 23/00730/ENI

Date: 11th April 2023

Dear Ms Johnstone

**ENVIRONMENTAL PROTECTION ACT 1990 SECTION 79(g)
STATUTORY NOISE NUISANCE ITS MUSTARD, 116 ALBERT ROAD,
SOUTHSEA PO4 0JS**

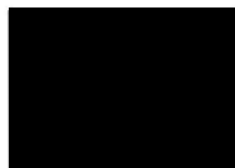
The Local Authority has received complaints from a local resident regarding loud music within Its Mustard, 116 Albert Road, Southsea, PO4 0JS.

Assessments conducted within the complainant's property revealed that the noise is having a significant impact upon the residents, and I am of the opinion that it was causing a statutory nuisance. I therefore have no alternative but to serve Notice (ref 12/LWA/23), under Section 80 of the Environmental Protection Act 1990.

I must advise you that failure to comply with the terms of the notice is an offence under section 80(4) of The Act, which upon summary conviction can lead to an unlimited fine.

You have the right to appeal against the notice within 21 days of service; any appeal should be made directly to the Portsmouth Magistrates Court and the grounds for appeal are contained within The Statutory Nuisance (Appeals) Regulations 1995, which can be found on the reverse of the notice.

Yours faithfully



Lorraine Astill
Principal Regulatory Services Officer

c.c. Its Mustard Ltd 24 Cherry Orchard Road, Bromley, Kent BR2 8NE
Noise abatement notice reference number 11/LWA/23

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ABATEMENT NOTICE IN RESPECT OF A STATUTORY NUISANCE



ENVIRONMENTAL PROTECTION ACT 1990 PART III AS AMENDED BY SECTION 3 OF THE NOISE AND STATUTORY NUISANCE ACT 1993 & SECTION 101-103 OF THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

Ref: 11/LWA/23

To: Its Mustard Ltd
24 Cherry Orchard Road
Bromley
Kent
BR2 8NE

I certify this is a true copy of the notice delivered via email at 13:56hrs and by record delivery (ref DF952192845GB) at 14:45hrs

Date: 11th April 2023

1. Notice

This is a formal notice issued by Portsmouth City Council ("the Council") because it is satisfied that a statutory nuisance under section 79(1)(g) of the Act is likely to recur within its area in that music emanating from Its Mustard, 116 Albert Road, Southsea, PO4 0JS has caused and is likely to cause nuisance to occupiers of other premises in the area.

2. What you are required to do

You are the person responsible for the nuisance. You are therefore required to prohibit recurrence of the nuisance forthwith from the date upon which this notice was served upon you.

3. What happens if you fail to comply

If without reasonable excuse you contravene or fail to comply with any requirement of this notice:

- 3.1 This is an offence and liable on summary conviction to an unlimited fine together with a further fine of an amount equal to one tenth of the greater of £5,000 or level 4 for each day on which the offence continues after conviction; or
- 3.2 In order to secure the abatement, prohibition or restriction of the nuisance, the Council may bring proceedings in the High Court; and
- 3.3 The Council has power to execute the works specified in the notice and recover from you any necessary expenditure incurred. This includes the power to seize any equipment used to create the nuisance.

4. Your right to appeal

You may appeal to a magistrate's court against this notice within 21 days, beginning with the date on which this notice was served upon you.

This is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisances (Appeals) Regulations 1995 applies, and in consequence, in the event of an appeal this notice shall not be suspended until the appeal has been abandoned or decided by the court, as, in the opinion of the Council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

DATED: 11th April 2023

Portsmouth City Council

Regulatory Services
Civic Offices
Guildhall Square
Portsmouth PO1 2AL
(address to which all communications should be sent)

(Signed) 
Lorraine Astill
Principal Regulatory Services Officer
(The officer appointed for the purpose)

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:-

APPEALS UNDER SECTION 80(3) of the ENVIRONMENTAL PROTECTION ACT 1990 ("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) 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 practical 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 Control of Pollution Act 1974 ("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, of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (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 owner of the premises, the occupier 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, or
 - (ii) a person who is also 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 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 the 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

To The Company Secretary
Its Mustard Ltd
24 Cherry Orchard Road
Bromley
Kent
BR2 8NE

Regulatory Services
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Phone: 023 9283 4829

Email: 

Our Ref: 23/00730/ENI

Date: 11th April 2023

Dear Sir/Madam

**ENVIRONMENTAL PROTECTION ACT 1990 SECTION 79(g)
STATUTORY NOISE NUISANCE ITS MUSTARD, 116 ALBERT ROAD,
SOUTHSEA PO4 0JS**

The Local Authority has received complaints from a local resident regarding loud music within Its Mustard, 116 Albert Road, Southsea, PO4 0JS.

Assessments conducted within the complainant's property revealed that the noise is having a significant impact upon the residents, and I am of the opinion that it was causing a statutory nuisance. I therefore have no alternative but to serve Notice (ref 11/LWA/23), under Section 80 of the Environmental Protection Act 1990.

I must advise you that failure to comply with the terms of the notice is an offence under section 80(4) of The Act, which upon summary conviction can lead to an unlimited fine.

You have the right to appeal against the notice within 21 days of service; any appeal should be made directly to the Portsmouth Magistrates Court and the grounds for appeal are contained within The Statutory Nuisance (Appeals) Regulations 1995, which can be found on the reverse of the notice.

Yours faithfully



Lorraine Astill
Principal Regulatory Services Officer

C.C. Ms Joanne Johnstone (DPS), Private address
Noise abatement notice reference number 12/LWA/23

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Joanne Johnstone (DPS)



Regulatory Services
Civic Offices
Guildhall Square
Portsmouth
PO1 2PQ

Phone: 023 

Email: 

Our Ref: 23/00730/ENI

Date: 25th April 2023

Dear Joanne Johnstone

**ENVIRONMENTAL PROTECTION ACT 1990
MUSIC IN CONTRAVENTION OF A NOISE ABATEMENT NOTICE - ITS MUSTARD 116
ALBERT ROAD, SOUTHSEA, PO4 0JS**

Further to the notice (ref 12/LWA/23), served upon you on 11th April 2023 an officer from this department has again witnessed a noise nuisance caused by loud music emanating from your property.

It is an offence under Section 80(4) of the Environmental Protection Act 1990, to contravene the requirements of an Abatement Notice without reasonable excuse. It is alleged that you, Its Mustard Ltd have contravened the above legislation, in the following respect:

On the **22nd April 2023 at 19:27hrs** you caused a noise nuisance within nearby premises, contrary to the requirements of an abatement notice served upon you.

As a result of these allegations, I am now considering what action this department may take. This could also include seeking a review of the premise license.

I look forward to receiving your co-operation in this matter. Should you wish to discuss this information please do not hesitate to contact me.

Yours sincerely



Lorraine Astill
Principal Regulatory Services Officer

c.c. Its Mustard Ltd, 24 Cherry Orchard Road, Kent, BR2 8NE

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To the Company Secretary
Its Mustard Ltd
24 Cherry Orchard Road
Bromley
Kent
BR2 8NE

Regulatory Services
Civic Offices
Guildhall Square
Portsmouth
PO1 2PQ

Phone: 023 [REDACTED]

Email: [REDACTED]

Our Ref: 23/00730/ENI

Date: 25th April 2023

Dear Sir/Madam

**ENVIRONMENTAL PROTECTION ACT 1990
MUSIC IN CONTRAVENTION OF A NOISE ABATEMENT NOTICE - ITS MUSTARD 116
ALBERT ROAD, SOUTHSEA, PO4 0JS**

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I look forward to receiving your co-operation in this matter. Should you wish to discuss this information please do not hesitate to contact me.

Yours sincerely



Lorraine Astill
Principal Regulatory Services Officer

c.c. Joanne Johnstone (DPS) - Private address

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Its Mustard Facebook advertisement for 6th May 2023

116 ALBERT ROAD - SOUTHSEA

**UNDERGROUND
SOIREE
PRESENTS**

6TH MAY 2023

**JASON FOY
NIK BUNTING**

**MU
STA
RD**

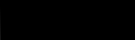
3PM TILL CLOSE

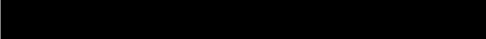
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Joanne Johnstone (DPS)



Regulatory Services
Civic Offices
Guildhall Square
Portsmouth
PO1 2PQ

Phone: 023 

Email: 

Our Ref: 23/00730/ENI

Date: 13th May 2023

Dear Joanne Johnstone

**ENVIRONMENTAL PROTECTION ACT 1990
MUSIC IN CONTRAVENTION OF A NOISE ABATEMENT NOTICE - ITS MUSTARD 116
ALBERT ROAD, SOUTHSEA, PO4 0JS**

Further to the notice (ref 12/LWA/23), served upon you on 11th April 2023 an officer from this department has again witnessed a noise nuisance caused by loud music emanating from your property.

It is an offence under Section 80(4) of the Environmental Protection Act 1990, to contravene the requirements of an Abatement Notice without reasonable excuse. It is alleged that you, Its Mustard Ltd have contravened the above legislation, in the following respect:

On the **6th May 2023 at 18:30hrs and at 22:05hrs** you caused a noise nuisance within nearby premises, contrary to the requirements of an abatement notice served upon you.

As a result of these allegations, I am now considering what action this department may take. This could also include seeking a review of the premise license.

I look forward to receiving your co-operation in this matter. Should you wish to discuss this information please do not hesitate to contact me.

Yours sincerely



Lorraine Astill
Principal Regulatory Services Officer

c.c. Its Mustard Ltd, 24 Cherry Orchard Road, Kent, BR2 8NE

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To the Company Secretary
Its Mustard Ltd
24 Cherry Orchard Road
Bromley
Kent
BR2 8NE

Regulatory Services
Civic Offices
Guildhall Square
Portsmouth
PO1 2PQ

Phone: 023 [REDACTED]

Email: [REDACTED]

Our Ref: 23/00730/ENI

Date: 13 May 2023

Dear Sir/Madam

**ENVIRONMENTAL PROTECTION ACT 1990
MUSIC IN CONTRAVENTION OF A NOISE ABATEMENT NOTICE - ITS MUSTARD 116
ALBERT ROAD, SOUTHSEA, PO4 0JS**

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I look forward to receiving your co-operation in this matter. Should you wish to discuss this information please do not hesitate to contact me.

Yours sincerely



Lorraine Astill
Principal Regulatory Services Officer

c.c. Joanne Johnstone (DPS) - Private address

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+

Its Mustard FB post for 27th May

EE 4G

00:38



< its mustard

All Posts People Groups Photos

20 May
Get booking 🎉 🕺 🎊 🍷 🍺



It's Mustard · Follow

22 May · 🌐

BANK HOLIDAY BRUNCHING 🌐 ✨

Unlimited Prosecco & Coc... See more

LIMITED AVAILABILITY

ITS MUSTARD SOUTHSEA

SATURDAY 27TH MAY

BANK HOLIDAY BRUNCHING

WITH LIVE DJs
AND BUBBLES FLOWING

**MEECHY
GUNNERS
HARBOUR**

90 MINS
UNLIMITED
PROSECCO &
COCKTAILS
WITH A CHOICE
OF FOOD

A SELECTION OF
WINGS AND FRIES
OR A GRAZE
BOARD

SLOTS AVAILABLE
FROM 12PM - 6PM

£45 PER PERSON



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APPENDIX 20

Its Mustard advert for DJ 3rd June

EE WiFiCall 22:15

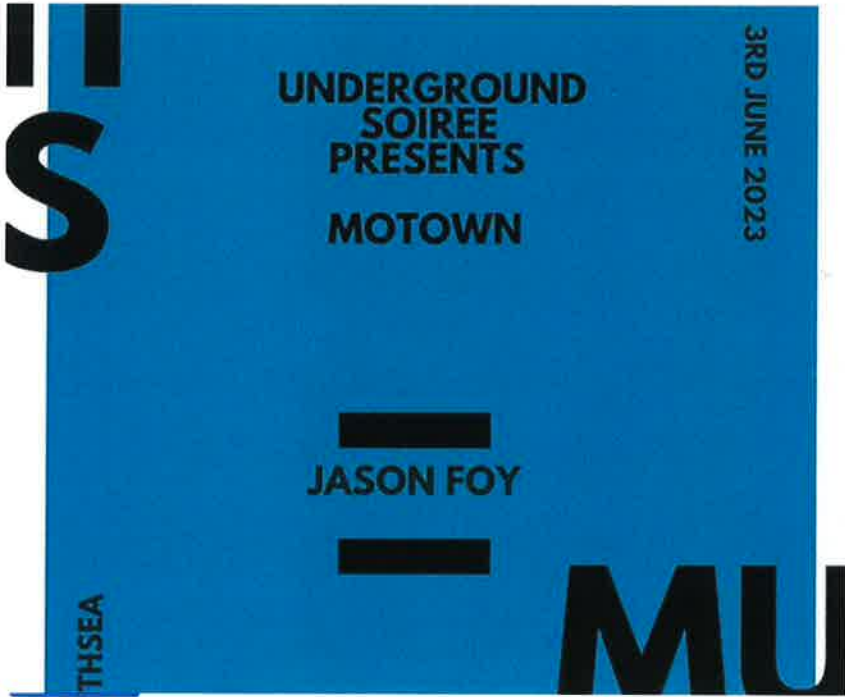
<

All Posts People Groups Photos

 1 Jun · 

Going to be a pleasure to have the fantastic Jason Foy back playing at [It's Mustard](#) this Saturday, get your dancing shoes on and get done there always a cracking night 😊

[#itsmustard](#)
... See more



-  Home
-  Watch
-  Marketplace
-  Dating
-  Notifications
-  Menu



🔍 it's mustard

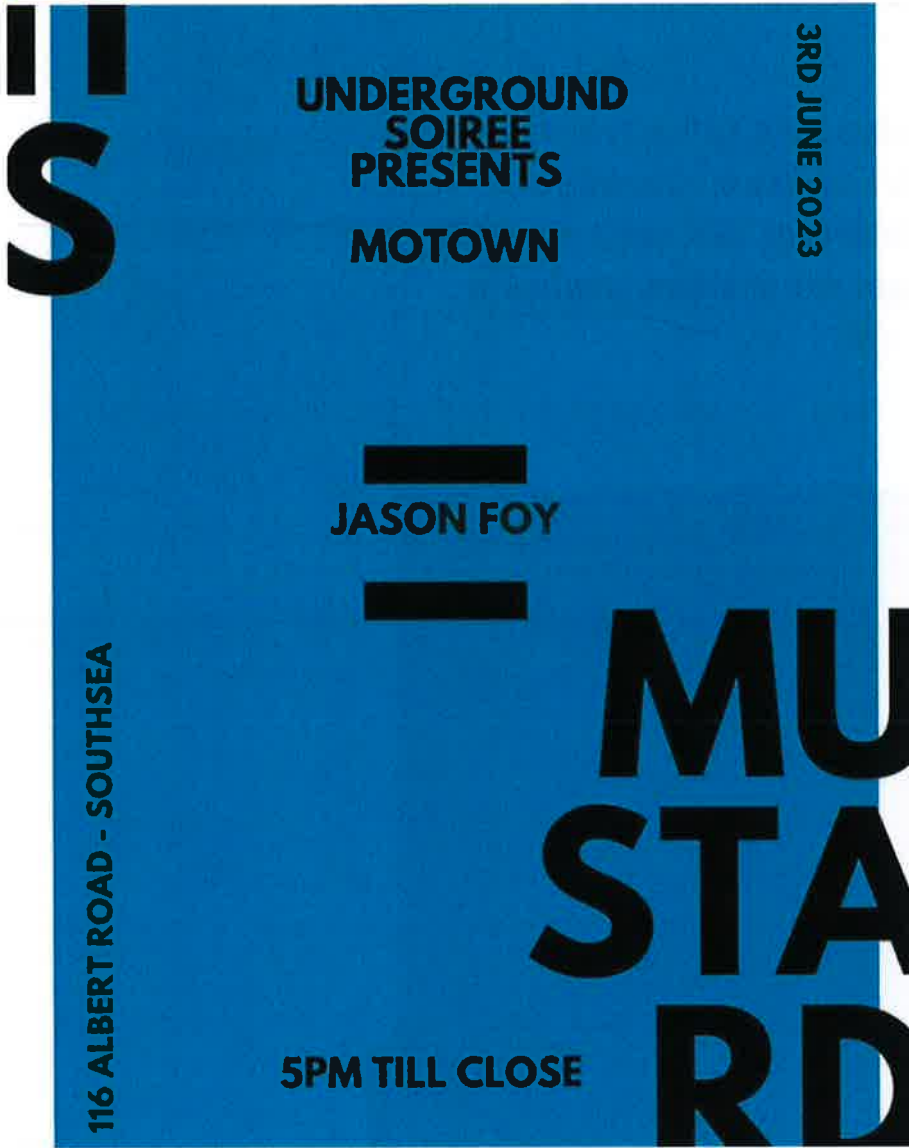
All

Posts

People

Groups

Photos



👍 6

7 shares



Home



Watch



Marketplace



Dating



Notifications



Menu

APPENDIX 21

Joanne Johnstone


Regulatory Services
Civic Offices
Guildhall Square
Portsmouth
PO1 2PQ

Phone: 023 

Email: 

Our Ref: 23/00730/ENI

Date: 7 June 2023

Dear Ms Johnstone

**ENVIRONMENTAL PROTECTION ACT 1990
MUSIC IN CONTRAVENTION OF A NOISE ABATEMENT NOTICE - ITS MUSTARD 116
ALBERT ROAD, SOUTHSEA, PO4 0JS**

Further to the notice (ref 11/LWA/23) served upon you on 11th April 2023 an officer from this department has again witnessed a noise nuisance caused by loud music emanating from your property.

It is an offence under Section 80(4) of the Environmental Protection Act 1990, to contravene the requirements of an Abatement Notice without reasonable excuse. It is alleged that you, Its Mustard Ltd have contravened the above legislation by causing a noise nuisance within nearby premises, contrary to the requirements of an abatement notice served upon you, in the respect of the following dates and times:

On the **22nd April 2023 at 19:27hrs**

On the **6th May 2023 at 18:30hrs and at 22:05hrs**

On the **3rd June at 20:50hrs**

As a result of these allegations Regulatory Services will be seeking a review of your premise license.

Should you wish to discuss this information please do not hesitate to contact me.

Yours sincerely



Lorraine Astill
Principal Regulatory Services Officer

c.c. To the Company Secretary, Its Mustard Ltd, 24 Cherry Orchard Road
Bromley, Kent, BR2 8NE

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To the Company Secretary
Its Mustard Ltd
24 Cherry Orchard Road
Bromley
Kent
BR2 8NE

Regulatory Services
Civic Offices
Guildhall Square
Portsmouth
PO1 2PQ

Phone: 023 [REDACTED]

Email: [REDACTED]

Our Ref: 23/00730/ENI

Date: 7 June 2023

Dear Sir/Madam

**ENVIRONMENTAL PROTECTION ACT 1990
MUSIC IN CONTRAVENTION OF A NOISE ABATEMENT NOTICE - ITS MUSTARD 116
ALBERT ROAD, SOUTHSEA, PO4 0JS**

Further to the notice (ref 11/LWA/23) served upon you on 11th April 2023 an officer from this department has again witnessed a noise nuisance caused by loud music emanating from your property.

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On the **22nd April 2023 at 19:27hrs**

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On the **3rd June at 20:50hrs**

As a result of these allegations Regulatory Services will be seeking a review of your premise license.

Should you wish to discuss this information please do not hesitate to contact me.

Yours sincerely

[REDACTED]
Lorraine Astill
Principal Regulatory Services Officer

c.c. Joanne Johnstone (DPS) - Private address

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Its Mustard Facebook advertisement for 10th June 2023



The advertisement is a vertical poster with a yellow-to-orange gradient background. On the left side, the word 'MUSTARD' is written vertically in large, bold, black letters. In the top right corner, the date '10TH JUNE 2023' is written vertically. The main text in the center reads 'UNDERGROUND SOIREE PRESENTS' followed by a thick black horizontal bar, then the names 'JASON FOY' and 'DAN SMITH', another thick black horizontal bar, and finally the word 'MUSTARD' in very large, bold, black letters. At the bottom left, the address '116 ALBERT ROAD - SOUTHSEA' is written vertically. At the bottom center, the text '5PM TILL CLOSE' is written horizontally.

MUSTARD

10TH JUNE 2023

**UNDERGROUND
SOIREE
PRESENTS**

**JASON FOY
DAN SMITH**

MUSTARD

116 ALBERT ROAD - SOUTHSEA

5PM TILL CLOSE

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BOTTOMLESS BRUNCH
1ST JULY | SLOTS AVAILABLE AT 4PM AND 6PM
JAMIN ON THE SAX
PLAYING FROM 2PM
BUNTS MEECH
BOTTOMLESS PROSECCO & COCKTAILS FOR 90MINS
OPTION OF WINGS AND FRIES OR A GRAZE BOARD
£45 PER PERSON
BOOK VIA DIRECT MESSAGE
it's... Mustard

itsmustard.southsea • Follow
Original audio

itsmustard.southsea 1st of July Our next Bottomless Brunch
Featuring
JAMIN ON THE SAX 🎷
Bunts
Meech

Bottomless brunch for an hour and a half with the option of fries and wings or a delicious graze board 🍷🍟
To book Please send us a Direct message

#itsmustardportsmouth #portsmouthfoodie
#portsmouthbottomlessbrunch #bottomlessbrunch

12 h

9 likes
12 HOURS AGO

Add a comment...

Post

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APPENDIX 25

NOISE MONITORING OF ITS MUSTARD, 116 ALBERT ROAD TRANSCRIPT OF AUDIO RECORDING

NME installed 28/06/23

Significant disturbance - statutory nuisance in breach of noise abatement notices

28/06/23

19:30 - nme set up

01/07/23

15:55 comp saying recording of Its Mustard, 116 Albert Road with windows closed and recording in their bedroom. Noise can be heard throughout their property. Loud voices from customers in the garden, pinging noise, motorbike. Comps telephone - message sound.

16:22 comp saying recording of Its Mustard, 116 Albert Road with windows closed and recording in their bedroom. Noise can be heard throughout their property. Motorbike, noise from customers, customers cheering. Dance type track "I got the love". Heavy bass music LAeq 38dB, 63Hz 52dB, 125Hz 46dB

17:31 comp saying recording of Its Mustard, 116 Albert Road with windows closed and recording in their bedroom. Noise can be heard throughout their property. Customers talking, passing traffic, heavy bass music - bass peak
LAeq 47dB, 63Hz 65dB, 125Hz 56dB

18:35 comp saying recording of Its Mustard, 116 Albert Road with windows closed and recording in their bedroom. Noise can be heard throughout their property. Traffic noise, heavy bass music LAeq 46dB, 63Hz 63dB, 125Hz 57dB, customers talking. Lull in the music LAeq 42dB, 63Hz 47dB, 125Hz 40dB.

20:00 comp saying recording of Its Mustard, 116 Albert Road with windows closed and recording in their bedroom. Noise can be heard throughout their property even louder. passing traffic, motor bike, loud bass music and lyrics slightly audible.

21:03 comp saying recording of Its Mustard, 116 Albert Road with windows closed and recording in their bedroom next door. Customers talking, heavy bass, passing traffic, pelican lights bleeping.

21:06 recording comp saying recording as the bass went quiet. Customers talking, passing traffic, pelican lights bleeping. Heavy bass.

21:41 comp saying recording of Its Mustard, 116 Albert Road with windows closed and recording in their bedroom. Noise can be heard throughout their property and has not stopped. Passing traffic, motorbike, customers talking, loud bass.

22:35 comp sighing, comp saying recording of Its Mustard, 116 Albert Road with windows closed and recording in their bedroom. Music has not stopped. Heavy bass LAeq 42dB, 63Hz 54dB, 125Hz 52dB, customers talking, lyrics to track slightly audible, passing traffic

23:27 comp sighing, comp saying recording of Its Mustard, 116 Albert Road with window open and recording in their bedroom. Voices in the beer garden not music. Customers talking and laughing, traffic noise- reeving car, comp rustling something.

23:59 Comp sighing, comp saying recording of Its Mustard, 116 Albert Road with window open and recording in their bedroom. Voices in the beer garden not music, traffic noise



Portsmouth CITY COUNCIL

Environmental Health
Civic Offices
Guildhall Square
PORTSMOUTH
PO1 2AL
Tel: 023 9268 8366

COMPLAINTS AND SERVICE REQUESTS

1. UNIFORM

Uniform Ref: 23/00315/ENI

Date Received: 6 February 2023 16:26

Received By: Nicola Brand

2. CUSTOMER DETAILS

Name: [REDACTED]

Tel: [REDACTED]

Address:

[REDACTED]

Email: [REDACTED]

Date Acknowledged:

3. COMPLAINT/SERVICE REQUEST DETAILS

Complaint/Request Type: Noise-Music

Date Occurred:

Details of Complaint or request:

NOTICE SERVED

Loud music whistles shouting I cannot sleep or rest, feel frustrated not considered, let down & upset, Taken advantage of, I purchased this property 16 years ago and now feel like selling

Concern Name: Ms Joanne Johnstone - DPS

Tel:

Concern Address:

116 Albert Road

Southsea

PO4 0JS

PO4 0JS

Trading Name: Its Mustard

Email:

4. OFFICER

Allocated to: Lorraine Astill (Environmental Health Officer 3)

Date Allocated: 6 February 2023

Target Completion Date:

Closing Action:

Date Closed:

PROCESS DETAILS

Inspection Reference: 230804000000000

Inspection Type: Noise Request

Date: 07.02.2023

Type: Miscellaneous Activity

Officer: Stephen Cooke

Date:	Action	Officer	Notes
	Review	Lorraine Astill	
02.07.2023	Telephone call	Gary Keller	Message from comp at 12.12 who said he wanted to report noise from concern last night. I called back at 17.34 no answer so left a message advising I would add the details to his case.
04.05.2023	Telephone call	Lorraine Astill	call to comp to acknowledge his call from last saturday and advised him to call the nns this saturday if there are any problems.
30.04.2023	Internal Communication	Lorraine Astill	Hi See v/m left by comp on 29/04 Carolyn
30.04.2023	Telephone call	Carolyn Tanner	V/M left by comp on 29th April at 17:11hrs re very loud music from concern and as a result he will be unable to remain at his home tonight.
22.04.2023	Telephone call	Mr Richard Maidment	Call from client 20:38hrs very loud music coming from bar. Explained that I had just returned from another complaints property and already gathered evidence required. Advised that I intend returning later to gather evidence of trading outside licensed hours.
20.04.2023	Significant Disturbance	Mr Richard Maidment	Call received 20:10hrs re loud music arrived 20:40hrs. As we walked through clients back garden there was no music audible outside the property I noticed that there were no customers in It's mustard but they were open with two women behind the bar. Shown into clients living room at the front of the property and I could hear a heavy bass beat which by placing my ear to the party wall am convinced was coming from the first floor accommodation above It's Mustard.

Carried out measurements and audio recordings using Nor 140 7361. This room is affected by traffic using Albert Road but the music was generally audible above the passing traffic apart from when a particularly loud motorbike stopped at the junction.

I only recognised on track insomnia by Faithless but I can only describe it as repetitive dance type music.

The music was also audible at similar levels in client's bedroom which is in the middle of the property so is not affected by traffic noise therefore the music as even more noticeable. It could be heard above his TV which was on at a reasonable level.

Overall I considered the music to be intrusive and likely to interfere with watching TV, any activity likely to require concentration and also disturb sleep in the bedroom.

At around 21:15hrs I tried knocking on the door of the 116A Albert Road there was no bell or door knocker so I visited the bar there was no music playing in the bar and I could not hear any music coming from above.

Explained the situation to the girls in the bar they thought it may have been music breaking out of the adjacent studio and took me into their garden. I could hear some muffled music but it was recognisably a live band not recorded music and was a totally different style. I had also not heard any music breaking out from the studio in clients garden.

They did not have any access to the flat and assured it was only used by the owner Adam Stringer and he has been in London since Monday.

I returned to clients property and he informed me music had been turned off he confirmed that tonight was the first night he had heard music coming from the flat and the noise had started around 18:30hrs.

Also received a call from resident of [REDACTED] who was of the opinion that the music was coming from the flat she said she had first noticed it tonight at around 17:30hrs.

			In conclusion I am of the opinion that the music is a potential issue in terms of level and duration we are all of the opinion that the music was coming from the flat but I cannot prove beyond reasonable doubt other than I had my ear to the party wall and it certainly seemed to be coming via the structure. The flat was also in complete darkness but it is technically possible that the system could be controlled remotely or on a timer.
11.04.2023	Telephone call	Lorraine Astill	call to comp and left voice msg informing him that a nan had been served and to continue to call if there any problems
25.03.2023	Ad Hoc Visit	Gary Keller	Call from comp at 21:35 arrived at 22.02. On arrival comp advised that the music and shouting from garden has reduced. When I arrived, I saw approx. 10 males getting into a taxi. Pub has a glass side roof which could be an issue should the music be increased. Comp was worried about the summer coming up with regards to the use of the garden. I ran through the powers we have and how we can assist. No nuisance witnessed during my visit and I advised comp to call again if needed. I left the area at 22.30.
12.03.2023	Telephone call	Neil Austin	21:07hrs Message on NNS mob re L/M (Service cancelled due to sickness). 12/3/23 17:55hrs Called comp back to apologise for no service and to find out what time the noise went onto. Comp advised that the noise started at 15:00hrs and went onto midnight. Comp said that this is every Saturday. I have advised comp to keep calling and we will visit asap.
28.02.2023	Internal Communication	Lorraine Astill	Hey See call with comp tonight (25/02) Carolyn
25.02.2023	Telephone call	Carolyn Tanner	V/M left by comp at 20:09hrs - called back at 20:35hrs and explained that our security guard had just gone home sick so I was unable to visit. Discussed noise issue - comp said that the premises has a DJ and lights and the music is very loud, especially when rear door to the garden opens. He also stated that patrons were shouting and screaming in the rear garden. Asked him what time the music normally goes on until and he said he has gone on until 00:00hrs before. I checked licence and it said operating hours until 23:00hrs so explained that previously may have been a temporary event. I could not see one for this evening so told comp to let LWA know if the premises is open past

			<p>23:00hrs. Gave comp PP email address and office number as LWA is on nights next week. Also explained that i would drive by the premises on my way home to carry out some obs. Comp was very understanding of the situation and thanked me for calling him back.</p>
09.02.2023	Initial Referral	Lorraine Astill	
09.02.2023	Live Letter - Business Premises	Lorraine Astill	<p>From: Astill, Lorraine Sent: 09 February 2023 10:11 To: [REDACTED] Subject: 23/00315/ENI Noise from Its Mustard 116 Albert Road, Southsea</p> <p>Dear [REDACTED]</p> <p>Thank you for your web complaint form. Your complainant reference number is 23/00315/ENI.</p> <p>In an attempt to resolve your complaint immediately we have written to the occupier of the premises you have accused of causing the nuisance and have advised them of the nature of the complaint and of our powers and procedures.</p> <p>We have not told them who has made the complaint and will not reveal your details at any stage.</p> <p>If that letter fails to resolve the problem, and to assist us further in our investigation, it is now vitally important that we witness the noise while it is being created.</p> <p>To enable us to do this, please telephone us as soon as the noise occurs and on every occasion that it does so. This will provide us with an opportunity to visit your property and witness the disturbance. Any failure to do this will considerably hinder our investigation process.</p> <p>We are able to respond both during and outside of normal office hours.</p> <p>If you are disturbed by noise Monday to Thursday between 08:30 and 17:00 or on Friday between 08:30 and 16:00 please notify your Case Officer directly.</p> <p>Information is attached to enable you to access the Duty Officer at night. Please note that our Night Noise Service contact details are different</p>

to those listed above.

If the noise only occurs outside of our operating hours, please contact your Case Officer as soon as possible to discuss alternative arrangements to enable us to witness the noise.

Please note that in times of high service demand an Officer may not be available to take your call. If you are diverted to voicemail please leave your name, address, telephone number and reference number and state that you would like a call back. The Officer will then respond as soon as he or she becomes available again.

You will note that we are currently unable to offer a daytime service on Saturday or Sunday. If you are disturbed by noise during these times please leave a message on the Night Noise Service number with the same details as above. The Duty Officer or your Case Officer will then contact you as appropriate

PLEASE NOTE: Your complaint will remain active for a further 35 days from the date of this letter. If you do not contact us within this period we will assume that the circumstances have changed and your complaint will be closed without any further contact with you.

Kind regards

Lorraine Astill
Principal Regulatory Service Officer

Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Telephone: 023 [REDACTED]

Moible: [REDACTED]

Email: [REDACTED]

From: Maidment, Hazel

<[REDACTED]>

Sent: 09 February 2023 10:37

To: Astill, Lorraine

<[REDACTED]>

09.02.2023

E-Mail

Lorraine Astill

Subject: RE: Its mustard, 116 Albert Road

Hi Lorraine

The premises licence holder is the same as the
dps Joanne Mary Johnstone.

Hazel

Hazel Maidment
Licensing Assistant
Directorate of Culture, Leisure and Regulatory
Services
Licensing Service
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

T: [REDACTED]

F: [REDACTED]

E: [REDACTED]

www.portsmouth.gov.uk

From: Astill, Lorraine

<[REDACTED]>

Sent: 09 February 2023 10:21

To: Maidment, Hazel

<[REDACTED]>

Subject: Its mustard, 116 Albert Road

Morning Hazel

Is it possible you can check who the premise
licence holder is please for Its Mustard, 116
Albert Road as I can't get access on the internet
as it is not showing the documents.

We have received two noise complaints so I
would also like to inform the licence holder as
well as the DPS.

I have the DPS as Joanne Johnstone and
believe that the licence holder may be Adam
Stringer or Its Mustard Ltd.

Thanks
Lorraine

Principal Regulatory Service Officer

Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Telephone: [REDACTED]

Moible: [REDACTED]

Email: [REDACTED]

09.02.2023

Commercial
Nuisance Letter

Lorraine Astill

Letter saved to dms

PROPERTY HISTORY

UPRN: 001775000954

ADDRESS: 116 Albert Road Southsea PO4 0JS

Module	Reference	Opened Date	Closed Date	Description
AP	A*22748/ENF1		10.06.1979	Enforcement Appeal
CP	19/00375/CP	23.10.2019	21.01.2020	Belushi's
CP	21/00426/CP	01.07.2022	08.02.2023	It's Mustard
CP	23/00041/CP	08.02.2023		It's Mustard
DC	20/00026/PACOU	01.10.2020	05.02.2021	Application for prior approval (Class C) relating to the change of use of ground floor from shop (Class A1) to cafe (Class A3).
DC	20/01182/FUL	15.10.2020		Construction of single-storey side/ rear extension; alterations to shop front and alterations to the rear of the property to include installation of extraction system and flue (description amended)
DC	A*22748/AB		10.04.1989	CONSTRUCTION OF REAR BALCONY WITH STAIRS TO FIRST FLOOR FLAT
DC	A*22748/AA		20.01.1989	CONSTRUCTION OF REAR BALCONY WITH STAIRS TO FIRST FLOOR FLAT
DC	A*22748/A		18.04.1979	CHANGE OF USE FROM STORE TO CAR FINISHING WORKSHOP
DC	A*22748		18.06.1959	THE ERECTION OF OPEN-FRONTED SHEDS FOR THE STORAGE OF BUILDING MATERIALS
EN	23/00086/BOC	12.04.2023	09.05.2023	Enforcement Enquiry
EN	A*22748/ENF1		23.10.1979	Enforcement Enquiry

EN	A*22748/ENF2		12.01.1989	Enforcement Enquiry
LI	22/01274/LAPREM	07.02.2022		Premises Licence
LI	22/03292/LAPREM	02.12.2022		Premises Licence
SR	20/03784/EPL	17.12.2020	22.01.2021	Planning - REF NO: 20/00026/PACOU, 13th January 2021.
SR	21/00582/EPL	26.02.2021	16.04.2021	Planning - REF NO: 20/01182/FUL, deadline 13th April 2021
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SR	21/03935/FG4	22.11.2021	23.11.2021	Checking progress of food registration form submitted
SR	22/00378/EPL	07.02.2022	24.02.2022	Licensing - their ref 22/01274/LAPREM,... deadline Representations by 7th March 2022
SR	23/00307/ENI	06.02.2023		NOTICE SERVED New premises called Its Mustard, loud music and numerous voices shouting, restaurant uses back garden as a beer garden Cant open my window and have to turn up volume on films as cant hear otherwise
SR	23/00315/ENI	06.02.2023		NOTICE SERVED Loud music whistles shoutingI cannot sleep or rest, feel frustrated not considered, let down & upset, Taken advantage of, I purchased this property 16 years ago and now feel like selling
SR	23/00730/ENI	28.03.2023		see notepad - NOTICE SERVED
SR	23/00734/ENI	29.03.2023		NOTICE SERVED Loud music. The door of the restaurant is being wedged open. Had to close windows and can still hear the music. Please see attached.
SR	23/00811/ENA	11.04.2023	03.06.2023	alarm been sounding since Sunday



Portsmouth CITY COUNCIL

Environmental Health
Civic Offices
Guildhall Square
PORTSMOUTH
PO1 2AL
Tel: 023 9268 8366

COMPLAINTS AND SERVICE REQUESTS

1. **UNIFORM**

Uniform Ref: 23/00307/ENI

Date Received: 6 February 2023 16:04

Received By: Nicola Brand

2. **CUSTOMER DETAILS**

Name: [REDACTED]

Tel: [REDACTED]

Address:

[REDACTED]

Email: [REDACTED]

Date Acknowledged:

3. **COMPLAINT/SERVICE REQUEST DETAILS**

Complaint/Request Type: Noise-Music

Date Occurred:

Details of Complaint or request:

NOTICE SERVED

New premises called Its Mustard, loud music and numerous voices shouting, restaurant uses back garden as a beer garden Cant open my window and have to turn up volume on films as cant hear otherwise

Concern Name: It's Mustard

Tel:

Concern Address:

116 Albert Road
Southsea
PO4 0JS
PO5 2PS

Trading Name:

Email:

4. **OFFICER**

Allocated to: Lorraine Astill (Environmental Protection 1)

Date Allocated: 6 February 2023

Target Completion Date:

Closing Action:

Date Closed:

PROCESS DETAILS

Inspection Reference: 23/00307/ENI

Inspection Type: Noise Report

Date: 07.02.2023

Type: Miscellaneous Activity

Officer: Stephen Cooke

Date:	Action	Officer	Notes
	Review	Lorraine Astill	No further contact from comp
	Internal Communication	Lorraine Astill	Hi Lou see tel con.
02.07.2023	Telephone call	Gary Keller	Message from comp on 1/6/23 at 22.32 ref LM. I called back at 17.21 and comp advised there was again LM I advised I would add it to her case and she asked for an update so I advised I would pass this onto LWA.
11.04.2023	Telephone call	Lorraine Astill	call to comp and informed them nan had been served for loud music and to continue to call when there is a problem
08.04.2023	Telephone call	Lorraine Astill	msg left by comp at 19:16 she said that she can hear music from Its Mustard at the rear of the property. She said that sometimes it goes on until midnight or later and it is now happening every saturday.
08.04.2023	Ad Hoc Visit	Lorraine Astill	visit to comp at 20:30 she said that the noise had quieten down now as they had closed the rear door. Advised to call again if volume increased
11.03.2023	Telephone call	Lorraine Astill	msg left by comp at 11:15 kicking off at premise and wanted it logged
09.02.2023	Initial Referral	Lorraine Astill	
09.02.2023	Live Letter - Business Premises	Lorraine Astill	<p>From: Astill, Lorraine Sent: 09 February 2023 10:32 To: [REDACTED] Subject: 23/00307/ENI Noise from Its Mustard 116 Albert Road, Southsea</p> <p>Dear [REDACTED]</p> <p>Thank you for your web complaint form. Your complainant reference number is 23/00307/ENI.</p>

In an attempt to resolve your complaint immediately we have written to the occupier of the premises you have accused of causing the nuisance and have advised them of the nature of the complaint and of our powers and procedures.

We have not told them who has made the complaint and will not reveal your details at any stage.

If that letter fails to resolve the problem, and to assist us further in our investigation, it is now vitally important that we witness the noise while it is being created.

To enable us to do this, please telephone us as soon as the noise occurs and on every occasion that it does so. This will provide us with an opportunity to visit your property and witness the disturbance. Any failure to do this will considerably hinder our investigation process.

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If you are disturbed by noise Monday to Thursday between 08:30 and 17:00 or on Friday between 08:30 and 16:00 please notify your Case Officer directly.

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You will note that we are currently unable to offer a daytime service on Saturday or Sunday. If you are disturbed by noise during these times

please leave a message on the Night Noise Service number with the same details as above. The Duty Officer or your Case Officer will then contact you as appropriate

PLEASE NOTE: Your complaint will remain active for a further 35 days from the date of this letter. If you do not contact us within this period we will assume that the circumstances have changed and your complaint will be closed without any further contact with you.

Kind regards

Lorraine Astill
Principal Regulatory Service Officer

Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Telephone: [REDACTED]

Moible: [REDACTED]

Email: [REDACTED]

From: Maidment, Hazel
<[REDACTED]>
Sent: 09 February 2023 10:37
To: Astill, Lorraine
<[REDACTED]>
Subject: RE: Its mustard, 116 Albert Road

Hi Lorraine

The premises licence holder is the same as the dps Joanne Mary Johnstone.

Hazel

Hazel Maidment
Licensing Assistant
Directorate of Culture, Leisure and Regulatory Services
Licensing Service
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth

09.02.2023

E-Mail

Lorraine Astill

PO1 2AL

T: [REDACTED]

F: [REDACTED]

E: [REDACTED]

www.portsmouth.gov.uk

From: Astill, Lorraine

<[REDACTED]>

Sent: 09 February 2023 10:21

To: Maidment, Hazel

<[REDACTED]>

Subject: Its mustard, 116 Albert Road

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We have received two noise complaints so I would also like to inform the licence holder as well as the DPS.

I have the DPS as Joanne Johnstone and believe that the licence holder may be Adam Stringer or Its Mustard Ltd.

Thanks
Lorraine

Lorraine Astill
Principal Regulatory Service Officer

Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square

Portsmouth
PO1 2AL

Telephone: [REDACTED]

Moible: [REDACTED]

Email: [REDACTED]

09.02.2023

Commercial
Nuisance Letter

Lorraine Astill

letter saved to dms

UPRN: 001775000954

ADDRESS: 116 Albert Road Southsea PO4 0JS

Module	Reference	Opened Date	Closed Date	Description
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DC	A*22748		18.06.1959	THE ERECTION OF OPEN-FRONTED SHEDS FOR THE STORAGE OF BUILDING MATERIALS
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EN	A*22748/ENF1		23.10.1979	Enforcement Enquiry
EN	A*22748/ENF2		12.01.1989	Enforcement Enquiry
LI	22/01274/LAPREM	07.02.2022		Premises Licence
LI	22/03292/LAPREM	02.12.2022		Premises Licence
SR	20/03784/EPL	17.12.2020	22.01.2021	Planning - REF NO: 20/00026/PACOU, 13th January 2021.
SR	21/00582/EPL	26.02.2021	16.04.2021	Planning - REF NO: 20/01182/FUL, deadline 13th April 2021
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SR	21/03935/FG4	22.11.2021	28.11.2021	Checking progress of food registration

				form submitted
SR	22/00378/EPL	07.02.2022	24.02.2022	Licensing - their ref 22/01274/LAPREM,.. deadline Representations by 7th March 2022
SR	23/00307/ENI	06.02.2023		NOTICE SERVED New premises called Its Mustard, loud music and numerous voices shouting, restaurant uses back garden as a beer gardenCant open my window and have to turn up volume on films as cant hear otherwise
SR	23/00315/ENI	06.02.2023		NOTICE SERVED Loud music whistles shoutingI cannot sleep or rest, feel frustrated not considered, let down & upset, Taken advantage of, I purchased this property 16 years ago and now feel like selling
SR	23/00730/ENI	28.03.2023		see notepad - NOTICE SERVED
SR	23/00734/ENI	29.03.2023		NOTICE SERVED Loud music. The door of the restaurant is being wedged open. Had to close windows and can still hear the music. Please see attached.
SR	23/00811/ENA	11.04.2023	03.06.2023	alarm been sounding since Sunday



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PORTSMOUTH
PO1 2AL
Tel: 023 9268 8366

COMPLAINTS AND SERVICE REQUESTS

1. UNIFORM

Uniform Ref: 23/00734/ENI

Date Received: 29 March 2023 10:55

Received By: Carla Humphrey-Bramble

2. CUSTOMER DETAILS

Name: [REDACTED]

Tel: [REDACTED]

Address:

[REDACTED]

Email: [REDACTED]

Date Acknowledged:

3. COMPLAINT/SERVICE REQUEST DETAILS

Complaint/Request Type: Noise-Music

Date Occurred:

Details of Complaint or request:

NOTICE SERVED

Loud music. The door of the restaurant is being wedged open. Had to close windows and can still hear the music. Please see attached.

Concern Name:

Tel:

Concern Address:

116 Albert Road
Southsea
PO4 0JS

Trading Name: It's Mustard

Email:

4. OFFICER

Allocated to: Lorraine Astill (Environmental Protection 2)

Date Allocated: 29 March 2023

Target Completion Date:

Closing Action:

Date Closed:

PROCESS DETAILS

Inspection Reference: 23/00734/ENI **Inspection Type:** Noise Complaint

Date: 29.03.2023

Type: Miscellaneous Activity

Officer: Stephen Cooke

Date:	Action	Officer	Notes
	Review	Lorraine Astill	
	Internal Communication	Lorraine Astill	Hi Lou See tel con.
02.07.2023	Telephone call	Gary Keller	Message from comp at 16.26 on 1/6/23 and today at 12.55. I called back today at 17.08. Very bad reception when talking to comp I advised him his call would be logged and he asked for an update from Lou. I said I would pass on the message.
03.06.2023	Telephone call	Lorraine Astill	call from comp at 19:40 loud music from Its Mustard due to front door being open.
03.06.2023	Ad Hoc Visit	Lorraine Astill	visit to comp at 20:30. Comp lives directly opposite Its Mustard. Front door could be seen open and music escaping out of it. Loud music and lyrics could be heard in the lull of the traffic. Michael Jackson - Thriller could be heard and other 70s and 80's tracks. Comp had his windows open due to it being a warm evening. Birthday party in the window seats. Females could be seen dancing. Further assessment being carried out at another complainants property.
05.05.2023	E-Mail	Lorraine Astill	From: Astill, Lorraine Sent: 05 May 2023 09:48 To: [REDACTED] Subject: 23/00734/ENI - Noise from Its Mustard 116 Albert Road Dear [REDACTED] Thank you for your voice message left on the out of hours telephone on Saturday 29th April in relation to noise escaping from Its Mustard. For your information a noise abatement notice has been served on both the owner of the

property and the licensee. It is therefore important that you call us every time that you are disturbed by noise from this premise.

I am on duty on Saturday 6th May from 18:00 to midnight and I can be contacted on 07341 888934. I do have two programmed visits one at 18:30 and another at 23:00pm, however I will be available to visit in between these hours to assess the noise from your property should you be disturbed.

I would be grateful if you could confirm your correct address as the Council Tax records do not show you at the address that you have provided.

Kind regards

Lorraine Astill
Principal Regulatory Service Officer

Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Telephone: [REDACTED]

Moible: [REDACTED]

Email: [REDACTED]

30.04.2023	Internal Communication	Lorraine Astill	Hi See v/m from comp on 29/04 Carolyn
30.04.2023	Telephone call	Carolyn Tanner	v/m left by comp on 29/04 at 19:14hrs re constant loud music and doors wide open at the premises.
11.04.2023	Telephone call	Lorraine Astill	call to comp informed them that a NAN had been served and to continue to call so that we can witness the noise
08.04.2023	Telephone call	Lorraine Astill	msg left by comp at 15:31 Loud music from Its Mustard, they have got their doors open and been going at it for an hour. Called comp at 18:40 and advised that i had two visits to make and would call him when i was free to attend.

08.04.2023	Telephone call	Lorraine Astill	called comp at 20:07 he said that it has now quieten down because they had closed the doors
08.04.2023	E-Mail	Lorraine Astill	<p>From: [REDACTED] Sent: 08 April 2023 15:35 To: Astill, Lorraine [REDACTED] Subject: Re: 23/00734/ENI - Noise from Its Mustard 116 Albert Road</p> <p>Hi Lorraine I have registered a complaint about Its Mustard on Albert Rd on the Night Number as requested. Doors open again loud music playing which can be heard even with windows closed. Ref No 23/00734/ENI.</p> <p>Thank you [REDACTED]</p>
31.03.2023	Initial Referral	Lorraine Astill	
31.03.2023	Telephone call	Lorraine Astill	call to comp to acknowledge his complaint. He said that he is away this weekend. Advised that I would send him the NNS contact details and his reference no. Told him that we have been in contact with the DPS and she is aware of the complaints.
31.03.2023	Live Letter	Lorraine Astill	<p>From: Astill, Lorraine Sent: 31 March 2023 13:49 To: [REDACTED] Subject: 23/00734/ENI - Noise from Its Mustard 116 Albert Road</p> <p>Dear [REDACTED]</p> <p>Thank you for your web complaint form. Your complaint reference number is 23/00734/ENI. Please quote this number during all correspondence with the service.</p> <p>In an attempt to resolve your complaint immediately we have written to the occupier of the premises you have accused of causing the nuisance and have advised them of the nature of the complaint and of our powers and procedures.</p> <p>We have not told them who has made the complaint and will not reveal your details at any stage.</p>

If that letter fails to resolve the problem, and to assist us further in our investigation, it is now vitally important that we witness the noise while it is being created.

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We are able to respond both during and outside of normal office hours.

If you are disturbed by noise Monday to Thursday between 08:30 and 17:00 or on Friday between 08:30 and 16:00 please notify me directly on the telephone numbers below.

If the noise only occurs outside of our operating hours, please contact me to enable us to discuss alternative arrangements to enable us to witness the noise.

Information is attached to enable you to access the Duty Officer at night. Please note that our Night Noise Service contact details are different to those listed above.

Please note that in times of high service demand an Officer may not be available to take your call. If you are diverted to voicemail please leave your name, address, telephone number and reference number and state that you would like a call back. The Officer will then respond as soon as he or she becomes available again.

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PLEASE NOTE: Your complaint will remain active for a further 35 days from the date of this letter. If you do not contact us within this period we will assume that the circumstances have changed and your complaint will be closed without any further contact with you

Kind regards

Lorraine Astill
Principal Regulatory Service Officer

Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Telephone: [REDACTED]

Moible: [REDACTED]

Email: [REDACTED]

PROPERTY HISTORY

UPRN: 001775000954

ADDRESS: 116 Albert Road Southsea PO4 0JS

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EN	23/00086/BOC	12.04.2023	08.05.2023	Enforcement Enquiry

EN	A*22748/ENF1		23.10.1979	Enforcement Enquiry
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LI	22/03292/LAPREM	02.12.2022		Premises Licence
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SR	21/02221/EPL	09.07.2021	28.06.2022	Planning - REF NO: 20/01182/FUL, by 3 August 2021
SR	21/03935/FG4	22.11.2021	23.11.2021	Checking progress of food registration form submitted
SR	22/00378/EPL	07.02.2022	24.02.2022	Licensing - their ref 22/01274/LAPREM,.. deadline Representations by 7th March 2022
SR	23/00307/ENI	06.02.2023		NOTICE SERVED New premises called Its Mustard, loud music and numerous voices shouting, restaurant uses back garden as a beer garden Cant open my window and have to turn up volume on films as cant hear otherwise
SR	23/00315/ENI	06.02.2023		NOTICE SERVED Loud music whistles shoutingI cannot sleep or rest, feel frustrated not considered, let down & upset, Taken advantage of, I purchased this property 16 years ago and now feel like selling
SR	23/00730/ENI	28.03.2023		see notepad - NOTICE SERVED
SR	23/00734/ENI	29.03.2023		NOTICE SERVED Loud music. The door of the restaurant is being wedged open. Had to close windows and can still hear the music. Please see attached.
SR	23/00811/ENA	11.04.2023	03.06.2023	alarm been sounding since Sunday



Portsmouth CITY COUNCIL

Environmental Health
Civic Offices
Guildhall Square
PORTSMOUTH
P01 2AL
Tel: 023 9268 8366

COMPLAINTS AND SERVICE REQUESTS

1. UNIFORM

Uniform Ref: 23/00730/ENI

Date Received: 28 March 2023 16:56

Received By: Rachel Oloyede

2. CUSTOMER DETAILS

Name: [REDACTED]

Tel: [REDACTED]

Address:
[REDACTED]

Email: [REDACTED]

Date Acknowledged:

3. COMPLAINT/SERVICE REQUEST DETAILS

Complaint/Request Type: Noise-Music

Date Occurred:

Details of Complaint or request:

see notepad - NOTICE SERVED

Concern Name: Its Mustard Ltd (Mr Adam
Strin-r

Tel:

Concern Address:

116 Albert Road

Southsea

PO4 DJS

PO4 DJS

Trading Name: It's Mustard

Email:

4. OFFICER

Allocated to: Lorraine Astill (Environmental Protection 2)

Date Allocated: 28 March 2023

Target Completion Date:

Closing Action:

Date Closed:

PROCESS DETAILS

Inspection Reference: 2503241100MP **Inspection Type:** Noise Abatement

Date: 29.03.2023

Type: Miscellaneous Activity

Officer: Stephen Cooke

Date:	Action	Officer	Notes
	Review	Lorraine Astill	
	Enforcement Being Considered	Lorraine Astill	
	NME	Lorraine Astill	Collect NME
03.07.2023	NME Results	Lorraine Astill	<p>NME installed 28/06/23 Significant disturbance - statutory nuisance in breach of noise abatement notices</p> <p>28/06/23 19:30 - nme set up</p> <p>01/07/23 15:55 comp saying recording of Its Mustard, 116 Albert Road with windows closed and recording in their bedroom. Noise can be heard throughout their property. Loud voices from customers in the garden, pinging noise, motorbike. Comps telephone - message sound.</p> <p>16:22 comp saying recording of Its Mustard, 116 Albert Road with windows closed and recording in their bedroom. Noise can be heard throughout their property. Motorbike, noise from customers, customers cheering. Dance type track "I got the love". Heavy bass music LAeq 38dB, 63Hz 52dB, 125Hz 46dB</p> <p>17:31 comp saying recording of Its Mustard, 116 Albert Road with windows closed and recording in their bedroom. Noise can be heard throughout their property. Customers talking, passing traffic, heavy bass music - bass peak LAeq 47dB, 63Hz 65dB, 125Hz 56dB</p> <p>18:35 comp saying recording of Its Mustard, 116 Albert Road with windows closed and recording in their bedroom. Noise can be heard throughout their property. Traffic noise, heavy bass music LAeq 46dB, 63Hz 63dB, 125Hz 57dB, customers talking. Lull in the music LAeq 42dB, 63Hz 47dB, 125Hz 40dB.</p>

			<p>20:00 comp saying recording of Its Mustard, 116 Albert Road with windows closed and recording in their bedroom. Noise can be heard throughout their property even louder. passing traffic, motor bike, loud bass music and lyrics slightly audible.</p> <p>21:03 comp saying recording of Its Mustard, 116 Albert Road with windows closed and recording in their bedroom next door. Customers talking, heavy bass, passing traffic, pelican lights bleeping.</p> <p>21:06 recording comp saying recording as the bass went quiet. Customers talking, passing traffic, pelican lights bleeping. Heavy bass.</p> <p>21:41 comp saying recording of Its Mustard, 116 Albert Road with windows closed and recording in their bedroom. Noise can be heard throughout their property and has not stopped. Passing traffic, motorbike, customers talking, loud bass.</p> <p>22:35 comp sighing, comp saying recording of Its Mustard, 116 Albert Road with windows closed and recording in their bedroom. Music has not stopped. Heavy bass LAeq 42dB, 63Hz 54dB, 125Hz 52dB, customers talking, lyrics to track slightly audible, passing traffic</p> <p>23:27 comp sighing, comp saying recording of Its Mustard, 116 Albert Road with window open and recording in their bedroom. Voices in the beer garden not music. Customers talking and laughing, traffic noise-reveing car, comp rustling something.</p> <p>23:59 Comp sighing, comp saying recording of Its Mustard, 116 Albert Road with window open and recording in their bedroom. Voices in the beer garden not music, traffic noise</p>
02.07.2023	NME	Gary Keller	NME collected and saved under its Mustard.
22.06.2023	NME	Carolyn Tanner	Install Purple NME.
19.06.2023	NME	Neil Austin	collected Purple NME. No recordings made.
15.06.2023	NME	Lorraine Astill	
11.06.2023	Telephone call	Lorraine Astill	call to comp to acknowledge voice msg left. She said that she found it online that they had a DJ. Asked her to save a screen shot of the advertisement. She said that the DJ finished at 23:00hrs. Discussed the installation of NME on Thursday.
10.06.2023	Telephone call	Lorraine Astill	Msg left by comp at 17:40pm she said that DJ started at 16:45pm. She said that it is really loud as usual and can be heard everywhere in her house as usual.
07.06.2023	E-Mail	Lorraine Astill	<hr/> <p>From: postmaster@outlook.com <postmaster@outlook.com> Sent: Wednesday, June 7, 2023 12:40 PM To: Astill, Lorraine</p>

Subject: Delivered: FW: Breach of noise abatement notice

From: Astill, Lorraine

Sent: Wednesday, June 7, 2023 12:40 PM

To: joanne Johnstone [REDACTED]

Cc: 116 Albert road <116albertroad@gmail.com>;
contact@itsmustard.co.uk

Subject: FW: Breach of noise abatement notice

Dear Ms Johnstone

Please find attached correspondence notifying you of the dates and times that an officer from this service has witnessed contraventions of the noise abatement notice served on Joanne Johnstone (premise licence holder) on 11th April 2023.

You will note that Regulatory Services will be submitting an application to Licensing Services to seek a review of the premise licence.

Consideration is also being given as to whether the case will be submitted to the Magistrate Courts.

I must therefore notify you that:

"You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you may later rely on in court. Anything you do say may be given in evidence."

For your information a copy of this correspondence has been sent to the businesses registered address.

Regards

Lorraine Astill

Principal Regulatory Service Officer

Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Telephone: [REDACTED]

Moible: [REDACTED]

Email: [REDACTED]

07.06.2023

E-Mail

Lorraine Astill

From: postmaster@NETORGFT12353179.onmicrosoft.com
<postmaster@NETORGFT12353179.onmicrosoft.com>
Sent: Wednesday, June 7, 2023 12:35 PM

To: Astill, Lorraine
Subject: Delivered: Breach of noise abatement notice

You don't often get email from
postmaster@netorgft12353179.onmicrosoft.com. Learn why this is
important

Your message has been delivered to the following recipients:

contact@itsmustard.co.uk (contact@itsmustard.co.uk)

Subject: Breach of noise abatement notice

From: postmaster@outlook.com <postmaster@outlook.com>

Sent: Wednesday, June 7, 2023 12:35 PM

To: Astill, Lorraine

Subject: Delivered: Breach of noise abatement notice

Your message has been delivered to the following recipients:

joanne Johnstone ([REDACTED])

Subject: Breach of noise abatement notice

From: Microsoft Outlook

< [REDACTED] >
h [REDACTED]

Sent: Wednesday, June 7, 2023 12:35 PM

To: Astill, Lorraine

Subject: Relayed: Breach of noise abatement notice

Delivery to these recipients or groups is complete, but no delivery
notification was sent by the destination server:

116 Albert road (116albertroad@gmail.com)

Subject: Breach of noise abatement notice

From: Astill, Lorraine

Sent: Wednesday, June 7, 2023 12:35 PM

To: contact@itsmustard.co.uk; 116 Albert road
<116albertroad@gmail.com>

Cc: joanne Johnstone < [REDACTED] >

Subject: Breach of noise abatement notice

Dear Mr Stringer

Please find attached correspondence notifying you of the dates and times that an officer from this service has witnessed contraventions of the noise abatement notice served on Its Mustard Ltd on 11th April 2023.

You will note that Regulatory Services will be submitting an application to Licensing Services to seek a review of the premise licence.

Consideration is also being given as to whether the case will be submitted to the Magistrate Courts.

I must therefore notify you that:

"You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you may later rely on in court. Anything you do say may be given in evidence."

For your information a copy of this correspondence has been sent to the businesses registered address.

Regards

Lorraine Astill
Principal Regulatory Service Officer

Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Telephone: [REDACTED]

Moible: [REDACTED]

Email: [REDACTED]

07.06.2
023

Breach Of
Abatement
Notice

Lorraine
Astill

Breach of abatement letter 3 sent to Joanne Johnstone Premise licence holder and Its Mustard registered address - letters saved to dms

07.06.2
023

E-Mail

Lorraine
Astill

From: Astill, Lorraine
Sent: Wednesday, June 7, 2023 3:53 PM
To: [REDACTED]
Subject: RE: 23/00730/ENI - Noise from Its Mustard 116 Albert Road

Hi [REDACTED]

Further to our telephone conversation yesterday I will be installing the noise monitoring equipment on Thursday 15th June at 19:00pm and I will arrange for my colleague to collect it on Monday 19th June at the same time.

When the equipment is installed, I would appreciate it if you could keep a comprehensive diary to accompany any recordings that you make.

Please let me know if the date and time is not convenient for you and I will try to rearrange the appointment.

Kind regards

Lorraine Astill
Principal Regulatory Service Officer

Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Telephone: [REDACTED]

Moible: [REDACTED]

Email: [REDACTED]

06.06.2 023	Telephone call	Lorraine Astill	call to comp to discuss email and future DJ dates. She said that the DJ has taken down the date for 17th June at Its Mustard but discussed the installation of NME for this weekend. Comp said that she is not normally bothered by the noise from when they play background type music but only the DJ's. Advised comp that NME would be installed from Thursday 15th and collected on Monday 19th June.
05.06.2 023	E-Mail	Lorraine Astill	email received from comp with future dates for DJ's at Its Mustard - email saved to dms with attachment
03.06.2 023	Telephone call	Lorraine Astill	call from comp at 20:06 loud music from Its Mustard.
03.06.2 023	Significant Disturbance	Lorraine Astill	<p>arrived at comps at 20:50. Very loud music could be heard in the comps garden coming from the rear of Its Mustard. Rear door to the licence premise likely to be open due to the warm weather (unable to see from complainants' property). A combination of Motown, soul, funk type music being played and upon entering the complainant's property the same type of music could be heard.</p> <p>The following measurements were taken:</p> <p>Recording 1 in the comp's bedroom with the windows open. The bedroom overlooks the rear courtyard. "Without love" could be heard word for word. Another track was played after this one but i was unable to identify the song.</p> <p>Recording 2 was taken in the comps living room this faces onto albert Road. The lyrics to the tracks being played could be heard word for word but i was unable to identify the songs being played.</p> <p>Recording 3 was taken in the bedroom with doors and windows closed. "Aint no stopping us now" was clearly audible.</p> <p>Recording 4 was taken in the hallway where it is believed that the DJ is positioned in the commercial premise below. "can I kick it yes I can" and "it takes two baby, just takes two" (female voices heard singing along to</p>

it). Vibrations could be felt under foot in this location.
 Music could be heard throughout the complainant's property and there was not a room in which they could escape the noise from the music or the patrons. The complainant was unable to relax or watch TV.
 Statutory nuisance in breach of nan
 I left the complainants property at 21:30 and the music from Its Mustard Ltd was still at the same level.

03.06.2023	Telephone call	Lorraine Astill	call to Joanne Johnstone at 22:00 but received a message to say that the phone was turned off
02.06.2023	E-Mail	Lorraine Astill	Msg left by comp at 20:19 wanting to report extremely loud music playing again at It's Mustard. It can be heard in every room of her flat. It started at 22:10 and she would like it logged
27.05.2023	Telephone call	Gary Keller	Messages from comp at 13.59 and 22.17 I called comp back at 17.46. Comp said the noise from the DJ went on all day and was extremely loud and could be heard in all the rooms of her house. I advised call would be logged and would passed to her IO.
25.05.2023	E-Mail	Lorraine Astill	<p>From: Astill, Lorraine Sent: Thursday, May 25, 2023 3:09 PM To: joanne Johnstone <[REDACTED]> Subject: RE: Breach of noise abatement notice 6th May 2023 - Its Mustard</p> <p>Hi Joanne</p> <p>Thank you for your email. I apologise in the delay in responding I am currently catching up after being off on leave.</p> <p>During my visit to the complainant's home on 6th May I clearly heard "last orders" being called. I therefore believe that the sound insulation between the commercial and residential properties on the first floor are not sufficient to contain the noise from the bar, especially loud music.</p> <p>For your information we received a complaint alleging that there was loud music on Saturday 20th May. On this occasion there was no officer available to witness the noise from the complainant's property.</p> <p>It has come to my attention that you have a DJ playing at the bar on Saturday 4th June, I would recommend that this event is cancelled until mitigation measures have been put in place.</p> <p>As discussed during our meeting any noise level that is set cannot be used as a defence and also it may not be set at a volume which you feel is acceptable to your business. I would be grateful if you could inform me when you have received your sound system.</p> <p>Should further evidence be obtained that a statutory noise nuisance is being caused this local authority will have no alternative but to take action in line with the enforcement policy and to seek a review of the premise licence.</p> <p>If you wish to discuss this matter further, please do not hesitate to contact me.</p>

Kind regards

Lorraine Astill
Principal Regulatory Service Officer

Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Telephone: [REDACTED]

Moible: [REDACTED]

From: Astill, Lorraine
Sent: Thursday, May 25, 2023 3:11 PM
To: [REDACTED]
Subject: RE: 23/00730/ENI - Noise from Its Mustard 116 Albert Road

Hi [REDACTED]

Thank you for your email.

Please contact me on Saturday 4th June on my work mobile [REDACTED]

Kind regards

Lorraine Astill
Principal Regulatory Service Officer

Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Telephone: [REDACTED]

Moible: [REDACTED]

Email: [REDACTED]

25.05.2023

E-Mail

Lorraine Astill

24.05.2023

E-Mail

Lorraine Astill

From: [REDACTED]
Sent: Wednesday, May 24, 2023 12:03 PM
To: Astill, Lorraine <[REDACTED]>
Subject: Re: 23/00730/ENI - Noise from Its Mustard 116 Albert Road

Hi Lorraine,

That would be great, thanks. If you're happy for me to call you after 6pm let's go for that :)

Thanks so much,

█

From: Astill, Lorraine

Sent: Tuesday, May 23, 2023 2:16 PM

To: █

Subject: RE: 23/00730/ENI - Noise from Its Mustard 116 Albert Road

Hi █

I can be available on Saturday 3rd June from 18:00pm. I can do a prearranged visit unless you want to call me when the noise is disturbing you.

Kind regards

Lorraine Astill

Principal Regulatory Service Officer

Regulatory Services

Portsmouth City Council

Civic Offices

Guildhall Square

Portsmouth

PO1 2AL

Telephone: █

Moible: █

Email: █

23.05.2
023

E-Mail

Lorraine
Astill

20.05.2
023

Telephone
call

Mr
Richard
Maidment

Message left Saturday 20/5/2023 15:37hrs very loud music DJ playing can be heard throughout property.

Returned call 18:55hrs Sunday 21/5/2023 music went on to at least 19:30hrs when she went out. Premises closed when she returned.

17.05.2
023

E-Mail

Stephen
Cooke

From: Public Protection

Sent: Wednesday, May 17, 2023 3:21 PM

To: █

Subject: 23/00730/ENI - Noise from Its Mustard 116 Albert Road

Dear █,

Page 172

Unfortunately, we do not offer a night service at the weekend and that

unless Lorraine has prearranged with you to visit and carry out some monitoring then no-one will be available.

Yours sincerely,

Stephen Cooke
Resources Compliance Liaison Officer

Regulatory Services
Resources Team
Licensing Office
Lower Ground Floor, Core 6
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

From: [REDACTED]
Sent: Tuesday, May 16, 2023 2:47 PM
To: Astill, Lorraine <[REDACTED]>; Public Protection <[REDACTED]>
Subject: Re: 23/00730/ENI - Noise from Its Mustard 116 Albert Road

Hi Public Protection team,

Adding you into this thread as Lorraine is on leave. Will anyone on your team be around to record noise from It's Mustard this Saturday (23/00730/ENI)? I am available until 8.30pm, noise usually kicks off by around 4.30pm and is loudest at 8pm based on previous experiences.

Thanks,

[REDACTED]

From: Tanner, Carolyn <[REDACTED]>
Sent: Wednesday, May 17, 2023 2:12 PM
To: Public Protection <[REDACTED]>;
Maidment, Richard <[REDACTED]>
Subject: RE: 23/00730/ENI - Noise from Its Mustard 116 Albert Road

- Official -

Hi Cookie,

Please can you Page 173 and let her know that we do not offer a night

service at the weekend and that unless Lorraine has prearranged with her for an officer to visit and carry out some monitoring then no-one will be available.

Thanks

Carolyn Tanner
Principal Regulatory Services Officer

Culture, Leisure & Regulatory Services
Portsmouth City Council
Floor 2, Core 2
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Telephone: [REDACTED]

Email added using EDRMS.

16.05.2
023

E-Mail

Lorraine
Astill

email also saved to dms as attachments

From: [REDACTED]

Sent: Tuesday, May 16, 2023 2:43 PM

To: Astill, Lorraine <[REDACTED]>

Subject: Re: 23/00730/ENI - Noise from Its Mustard 116 Albert Road

Hi Lorraine,

It's Mustard have live DJs planned for this Saturday (20 May) and the following Saturday (20 May) and then again the Saturday after (03 June) - see attached. Are you or a member of your team around to record the noise level?

I have a friend's birthday this Saturday but will be around up to 8:30-9pm if need be.

Thanks,

[REDACTED]

16.05.2
023

E-Mail

Lorraine
Astill

From: joanne Johnstone <[REDACTED]>

Sent: Tuesday, May 16, 2023, 7:49 PM

To: Astill, Lorraine <[REDACTED]>

Subject: Re: Breach of noise abatement notice 6th May 2023 - Its Mustard

Hi Lorraine

Please can i start by apologising for the sound still not being how you require it to be. We worked so hard that day to try to not upset anybody, when you called me we thought it had been dealt with ! To then learn from yourself a few days later this was not the case. Lorraine we are doing everything in our power to control and sort this situation. We are trying to work with you not against you. Our own sound system is on its way to us as we speak so once we have this in place can we ask for someone to come to help us with the volume that is to the level you require it to be ?

Regards

Joanne
Sent from my iPhone

From: postmaster@outlook.com <postmaster@outlook.com>
Sent: 13 May 2023 11:49
To: Astill, Lorraine
Subject: Delivered: Breach of noise abatement notice 6th May 2023 - Its Mustard

Your message has been delivered to the following recipients:

joanne Johnstone ([REDACTED])

Subject: Breach of noise abatement notice 6th May 2023 - Its Mustard

From: Astill, Lorraine
Sent: 13 May 2023 11:49
To: joanne Johnstone < [REDACTED] >
Subject: Breach of noise abatement notice 6th May 2023 - Its Mustard

Dear Mrs Johnstone

Please find attached correspondence notifying you of a further breach of the noise abatement notice served on Its Mustard Ltd.

I am on leave but will be returning to the office on Tuesday 23rd May should you wish to discuss this matter further.

Kind regards

Lorraine Astill
Principal Regulatory Service Officer

Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square

13.05.2023

E-Mail

Lorraine Astill

Portsmouth
PO1 2AL

Telephone: [REDACTED]

Moible: [REDACTED]

Email: [REDACTED]

13.05.2
023

Telephone
call

Neil
Austin

22:11hrs Message on NNS mob from comp, advising that there is no live music however they are playing recorded music which has a bass beat and it can be heard throughout the comps property. Comp wanted this logged on the case notes.

13.05.2
023

Breach Of
Abatement
Notice

Lorraine
Astill

Breach of abatement notice letter sent to Adam Stringer - Its Mustard Ltd and Mrs Joanne Johnstone premise licence holder. Letters sent via email and saved to dms

13.05.2
023

E-Mail

Lorraine
Astill

From: Astill, Lorraine
Sent: 13 May 2023 11:47
To: 116 Albert road <116albertroad@gmail.com>
Subject: Breach of noise abatement notice 6th May 2023

Dear Mr Stringer

Please find attached correspondence notifying you of a further breach of the noise abatement notice served on Its Mustard Ltd.

I am on leave but will be returning to the office on Tuesday 23rd May should you wish to discuss this matter further.

Kind regards

Lorraine Astill
Principal Regulatory Service Officer

Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Telephone: [REDACTED]

Moible: [REDACTED]

Email: [REDACTED]

06.05.2
023

Significant
Disturbanc
e

Lorraine
Astill

visit to comp at 18:30 in relation to loud music from Its Mustard. Upon entering the comps property bass music was clearly audible. Noise measurements taken 1 Bedroom 2 living Room 3 kitchen 4 bedroom. Noise from customers talking in the bar and in the garden could be heard. Bass travelling up the structure of the building and was louder near the kitchen and staircase. Bass audible throughout the property but was masked slightly in the living room by the passing traffic on Albert Road.

			<p>Comp said that the music started around 16:15pm and is likely to carry on until 23:00hrs.</p> <p>Bass having a significant impact upon the complainant's property.</p> <p>Analysed on Norsonic</p> <p>Bedroom LAeq 35dB Lfeq 63Hz 53dB Lfeq 80Hz 47dB</p> <p>Living Room LAeq 47 dB Lfeq 63Hz 40dB Lfeq 80 Hz 38dB</p> <p>Kitchen LAeq 42dB Lfeq 63Hz 57dB Lfeq 80Hz 47dB Lfeq</p> <p>Bedroom LAeq 32 dB Lfeq 63 Hz 53 dB Lfeq 80 Hz 44.5 dB</p>
06.05.2 023	Telephone call	Lorraine Astill	<p>Call to Joanne Johnstone at 20:30 to inform her that i had witnessed high bass levels from Its mustard within a complainant's property and asked if she could ask the DJ to reduce the volume of the bass. She said that she would.</p>
06.05.2 023	Significant Disturbance	Lorraine Astill	<p>further visit to comp after receiving an email to say that there has been no improvement in the bass levels and that she believes that the levels have actually increased.</p> <p>Arrived at comps at 22:05 and entering her courtyard to her property dance type music could be heard coming from the rear of It's Mustard as people entered the garden.</p> <p>Upon entering the comp's property bass music could clearly be heard coming from Its Mustard. Noise measurements taken in the bedroom, living room, and kitchen. Periods when the bass level dropped for several seconds at a time and then would build up again. Noise in the living room masked by traffic noise on Albert Road but some bass could be heard slightly during the lull in traffic.</p> <p>Vibrations from the bass could be felt under foot along the corridor of the comps property leading from the bathroom to the staircase. Believe this is the area in Its Mustard where the DJ is located. Not many lyrics to the tracks being played. Sounded like drum and bass music. Heard a female voice shouting last orders. Noise from customers also audible in the complaint's bedroom. Volume of music reduced slightly after last orders were called.</p> <p>Noise having a significant impact upon the complaints use of her property.</p> <p>Analysed on Norsonic</p> <p>Bedroom LAeq 34dB Lfeq 50Hz 50dB Lfeq 63Hz 53dB</p> <p>Living Room LAeq 38dB Lfeq 50Hz 51dB Lfeq 63Hz 53dB</p> <p>Kitchen LAeq 38dB Lfeq 50Hz 39dB Lfeq 63Hz 47dB</p> <p>Bedroom LAeq 37dB Lfeq 50Hz 36dB Lfeq 63Hz 35dB LAeq 41dB Lfeq 50Hz 47dB Lfeq 63Hz 47dB</p>

06.05.2023	E-Mail	Lorraine Astill	<p>From: [REDACTED] Sent: 06 May 2023 20:20 To: Astill, Lorraine <[REDACTED]> Subject: Re: 23/00730/ENI - Noise from Its Mustard 116 Albert Road</p> <p>Hi Lorraine,</p> <p>Thanks for coming round. Just wanted to pass on (annoyingly) the music and people are now significantly louder. I rang the number to log it, but not sure if it's worth trying to capture the noise later this evening or if earlier is enough.</p> <p>Thanks,</p> <p>[REDACTED]</p>
05.05.2023	Telephone call	Lorraine Astill	<p>voice msg left by comp on 05/05/23 at 19:53 she said that she would like to log that there is very heavy bass coming from It's mustard and it had been on and off since 19:30. She can hear it throughout her flat and also in her bedroom with the door shut</p>
04.05.2023	E-Mail	Lorraine Astill	<p>email also saved to dms with attachments sent</p> <p>From: Astill, Lorraine Sent: 04 May 2023 16:56 To: 116albertroad@gmail.com Subject: FW: Noise abatement notice and request for help from another officer in department please</p> <p>Dear Mr Stringer</p> <p>I apologise in the delay in responding to your email below.</p> <p>I believe the initial email was sent by Joanne Johnstone which was never received by myself or any of my colleagues.</p> <p>Unfortunately, when investigating any complaints, personal circumstances of the complainant or the person being complained about do not form part of the procedures that are followed by officers of this department.</p> <p>Visit 1 - Food hygiene inspection. An initial application was made to Regulatory Services to operate a food business in July 2022. The registration had therefore been on Regulatory Services database for 8 months before a food inspection was carried out. As the application had been received in July 2022 and no notification had been received that the food business operator had changed, therefore information relating to when the business was first operational was unknown to Regulatory Services. It was not until the inspection was carried out that it became apparent that the food business operator had changed and that the business had only opened in January 2023.</p> <p>An officer carrying out a food hygiene inspection has a right of entry at all reasonable times to carry out the local authority's functions. An appointment only has to be made if an inspection is being carried out at a</p>

domestic premises.

Visit 2 - Check compliance with outstanding food hygiene requirements and to discuss noise complaints. Visits were made to the premises several times to check outstanding food hygiene requirements and discuss the receipt of noise complaints, but it had been closed. A visit was made on 29th March whereby it was noted that people were in the premise. Upon entering the premise Ms Johnstone brought it to my attention that she was interviewing a new chef as the previous one had left. She requested that any issues that were to be discussed were written down so that she could refer back to them after she had conducted her interview. It was understood that Ms Johnstone would address the issues raised and would call the service back to discuss the matter further at a later date. As it could be seen that Ms Johnstone was busy conducting the interview, I left the premises and awaited her telephone call. This was never received.

The outstanding food hygiene requirements were also not checked. In relation to an officer's power of entry I draw your attention to the above paragraph.

Noise Abatement Notice. As it was explained last week at the meeting and as scripted on the noise abatement notice, noise nuisance is dealt with under different legislation to the Licensing Act. A noise abatement notice is issued under the Section 80 (1) Environmental Protection Act 1990. When an officer considers as to whether a statutory nuisance is occurring numerous factors are taken into consideration this includes locality, duration, frequency, time the nuisance occurs, the impact that the noise is having on the complainant and the sensitivity of the complainant. A statutory noise nuisance was witnessed within a complainant home on 8th April 2023 and the music was so loud from It's Mustard that the complainant had nowhere to escape the noise. The same music was identified when the bar was visited. Noise measurements and audio recordings were taken in the complainant's home, however caselaw *Godfrey V Conwy C.B.C [2001]*, donates that this is not necessary when determining a statutory nuisance.

Under the Environmental Protection Act Section 80 (2a) the local authority has a duty to serve a noise abatement notice when a statutory nuisance is likely to occur or has occurred. The noise abatement notice requires you abate the nuisance (loud music), and it is not specified on how you need to do this (*Surrey Free Inns plc v Gosport Borough Council [1999]*). This is left to your discretion; however, it could be reducing the volume of the music etc, which you can do with an immediate effect.

A planned visit was made for Thursday 4th May to set noise levels as requested by yourself, however this was declined as you had other commitments and you wanted time to decorate bar for the Kings Coronation. Given that noise complaints were received in relation to a DJ playing at the bar on Saturday 29th April and a further event is planned for Saturday 6th, it is advised that you refrain from holding amplified entertainment until further mitigation measures have been applied to the building.

Licensing Act. It is not clear as to what you are referring to, but it is

believed to be the Home Office Guidance for the Licensing Act 2003 - Public Nuisance 2:15 whereby Local Authorities can attach conditions to the licence premise where it considers it appropriate and 2:19 whereby conditions should focus on the sensitive period where people are disturbed by unreasonable noise at night and into the early hours of the morning? As discussed above Regulatory Services deal with noise nuisance under the Environmental Protection Act 1990 and noise nuisance can take place during any part of the day or night. For your information under Section 51 of the Licensing Act 2003 "a responsible authority or any other person" can apply for a review of your premise licence. Any other person could include a local resident/s disturbed by noise from your premise.

With regards to an alternative officer dealing with the case, a breach of the noise abatement notice was witnessed by a different experienced officer from this service on 22nd April 2023.

Should you wish to make a further complaint I direct you to Portsmouth City Councils Corporate Complaint Procedures. Corporate complaints policy - Portsmouth City Council

Kind regards

Lorraine Astill
Principal Regulatory Service Officer

Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Telephone: [REDACTED]

Moible: [REDACTED]

Email: [REDACTED]

From: 116 Albert Road <116albertroad@gmail.com>

Sent: 26 April 2023 14:50

To: City Help Desk <cityhelpdesk@portsmouthcc.gov.uk>

Subject: Noise abatement notice and request for help from another officer in department please

To whom it may concern .

We are requesting to speak with another officer from Ms Astill department. We are seeking help and guidance from our local council who are supposed to assist us with guidance in not breaking any laws. The government website clearly states contact your local council for this

service and we are not getting this impartial advice or assistance from Ms Astill .

Please reply with some information on this subject .

Thank you for your time and consideration in this matter.

Best regards
Adam Stringer

Dear Ms Astill

Thank you for your email yesterday after our brief conversation on the phone in which I informed you that it was not a good day yesterday as a close personal friend had committed suicide. After informing you of this, your email yesterday confirms your unsympathetic approach to our new business, in which we have tried to work on elevating the issues with you and our new neighbours who make such complaints.

Making yourself very aware of the new business you have visited three times in the past month, you would know that the sound levels will have changed drastically as the premise has been empty for the last few years.

Visit 1) You entered unannounced to view our food hygiene standards. You carried out a thorough inspection in which you saw everything was new and kept clean to a high standard, food labelled and stored correctly. Upon leaving the visit, you were cooperative and informed us of a few things we were required to address; you seemed happy with the establishment and mentioned that your services were running 18 months behind on visiting some premises due to a backlog after covid and staff shortages.

Visit 2) You burst into our premises whilst we were shut and carrying out an interview with a chef. You wanted attention straight away, putting your papers on our table and asking questions we could not answer at that point, especially as we were in the middle of conducting an interview upon which the Chef being interviewed chose not to return for the second interview showing concern on why environmental health was insisting on being seen straight away!

This has caused us unnecessary delays in finding a new chef. We are a new business, employing local people who have worked in the Portsmouth hospitality section for many years and know that Albert Road has always been a busy area with Bars, food and music venues along the road. The Wedgewood rooms, opposite us, play loud music to be heard late at night in the flat above our restaurant. There is a sound studio to the rear of 114 Albert Road where music is played that can be heard from the rear garden. We agree the sound from our business premises may have changed from previous years for the neighbourhood. However, we are trying to cause no louder noise than any other hospitality venue with the same licence as ours to operate.

The noise abatement order served is duly down to one person's opinion, which does not adhere to the Government legislation referring to 2003 Licensing Authority Act 2.15 and 2.19. Could you provide information on how we have not adhered to this ?

We are trying to work with the neighbours and Portsmouth Council on how they recommend we alter our business to meet the guidelines. It clearly stated on the government website that the local council would help and advise. However, we are not getting this help when the person

appointed to deal with some issues will not provide an impartial assessment and will word her emails.

"I am issuing"

"I think"

This is not impartial, and we have asked for evidence. We are seeking information on what are the guidelines you are asking us to adhere to from Government and local law legislation?

We would kindly request a new officer to deal with the situation as Ms Astill is taking a personal dislike and authoritarian approach to deal with issues that this new business is experiencing. The way in which Ms Astill has conducted her approach in dealing with these challenges to find solutions has been unprofessional and issuing a noise abatement notice order without any consultation has resulted for us to ask for another Environmental officer .We would welcome a planned visit from an officer to help and discuss with us what we need to do to ensure we meet the Government guidelines.

04.05.2023

E-Mail

Lorraine Astill

From: Astill, Lorraine
Sent: 04 May 2023 13:34
To: 116 Albert road <116albertroad@gmail.com>
Cc: Maidment, Richard <[REDACTED]>
Subject: RE: Appointment to set noise levels at Its Mustard Thursday 4th May at 10:00am

Dear Mr Stringer

Thank you for your email.

Your comments are duly noted.

It is disappointing that no one was available to set some noise levels today. To ensure that a statutory nuisance is not being caused to local residents from the provision of entertainment at your property this weekend it is recommended that you ask your DJ to reduce the volume of the music and bass.

You may wish considering seeking advise from an acoustic consultant to help with purchasing and installing your sound system. This could elevate any costs for equipment that might be unsuitable for the use in premise.

Kind regards

Lorraine Astill
Principal Regulatory Service Officer

Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square

Portsmouth
PO1 2AL

Telephone: [REDACTED]

Moible: [REDACTED]

Email: [REDACTED]

From: Astill, Lorraine
Sent: 04 May 2023 12:55
To: 116 Albert road <116albertroad@gmail.com>
Subject: FW: Noise Abatement Notice Appeal

Dear Mr Stringer

Thank you for your email. I duly note the comments contained within it.

The time period for right of appeal for the noise abatement notice has now expired. Details of this can be found on the reverse of the notice.

Kind regards

Lorraine Astill
Principal Regulatory Service Officer

Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Telephone: [REDACTED]

Moible: [REDACTED]

Email: [REDACTED]

From: 116 Albert road <116albertroad@gmail.com>
Sent: 04 May 2023 07:39
To: Public Protection <Public.Protection@portsmouthcc.gov.uk>
Subject: Noise Abatement Notice Appeal

You don't often get email from 116albertroad@gmail.com. Learn why this is important

To whom it may concern.
We appeal against the issue of the
Noise Abatement Notice served on us @
It's Mustard
116 Albert Road
PO4 0JS

04.05.2023

E-Mail

Lorraine Astill

Due to the In discrepancies in the timetable of events which has been provided to us on a meeting with Lorraine Astill on Thursday 28 April at the above premises. This list was only provided on the day of the meeting and at no point previously have we been provided with any evidential details other than a small amount of neighbours complaining on such days dated on the complaint information sheet provided to us , on dates indicated we were closed for business.

The noise levels within the boundary will have increased since the business has opened and local neighbours will have experienced a change in noise levels that will often offend people who do not like change. The complaints experienced can be from any person with a grudge so as per the government guidelines we are seeking a fair and impartial response and guidance to help us find solutions in to provide an appropriate resolution to all problems being experienced by everyone.

There are government guidelines every institution has to abide by so we are requesting empathetic guidance from the environmental services of Portsmouth City Council .

The unsympathetic approach being provided by the representative of the environmental services has caused a detrimental effect on the business and the employees causing needless stress and anxiety .

We are keen to work with all parties and welcome all factual noise complaints to be recorded by yourself so all parties can confirm actually where the loud noise is being played .

Best regards
Adam Stringer

03.05.2 023	Telephone call	Lorraine Astill	call to comp to inform her that the owner does not want to set noise levels tomorrow but on 20th May. Arranged to visit the complainant on Saturday at 19:30pm.
03.05.2 023	E-Mail	Lorraine Astill	<p>From: 116 Albert road <116albertroad@gmail.com> Sent: 03 May 2023 22:31 To: Astill, Lorraine <[REDACTED]> Subject: Re: Appointment to set noise levels at Its Mustard Thursday 4th May at 10:00am</p> <p>Hi Lorraine</p> <p>Apologies late reply was trying to organise being able to travel down tomorrow but I have commitments in my printing business that I cannot spare the time required without meeting deadlines already committed too. In reference to your complaint on Sunday no music was being played from the premises please provide further information on this as the only loud music being played was from the band opposite from the Wegde wood rooms .</p> <p>It was heard from inside our premises .</p> <p>Joanne has been on vacation has arrived back in England tonight . Kings coronation Saturday it's vital for all to be able to prepare for this special event.</p> <p>All equipment being purchased for future events will be submitted to you before week ending 12 May 2023 . Installation to be finished no later than 19 May 2023 where all equipment</p>

testing can take place.
We hope this meets your approval.

Best regards
Adam Stringer

From: Astill, Lorraine
Sent: 02 May 2023 17:00
To: 116 Albert road <116albertroad@gmail.com>
Cc: Maidment, Richard <[REDACTED]>
contact@itsmustard.co.uk; joanne Johnstone
<[REDACTED]>
Subject: RE: Appointment to set noise levels at Its Mustard Thursday 4th
May at 10:00am
Importance: High

Dear Adam

Thank you for your email.

Please can you provide me with the two dates that you have identified when your business was closed and I can look at our database to see if there is any further information. I would be grateful if you could also provide me with the reference numbers as this will make it a quicker search.

For your information we had a further 3 complaints from different local residents in relation to the noise from Its Mustard on Saturday and 1 on Sunday. Unfortunately, we did not have an officer on duty on Saturday so we cannot corroborate these allegations. An Officer from this service did visit the complainant on Sunday but the music stopped just after they arrived.

It is crucial that we try to set some levels prior to the events that you are having over this coming weekend as the noise abatement notice is still in place and an officer could potentially witness a further breach of the notice if the level of the music is found to be causing a statutory noise nuisance. Would it be possible for either you or Joanne to be available on Thursday to set some levels as requested by yourself and in order to try to prevent complaints being received by this service. I do not anticipate that this will take longer than a couple of hours maximum.

I look forward to hearing from you.

Kind regards

Lorraine Astill
Principal Regulatory Service Officer

Regulatory Services
Portsmouth City Council

02.05.2
023

E-Mail

Lorraine
Astill

Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Telephone: [REDACTED]

Moible: [REDACTED]

Email: [REDACTED]

From: 116 Albert road <116albertroad@gmail.com>

Sent: 02 May 2023 09:18

To: Astill, Lorraine <[REDACTED]>

Cc: Maidment, Richard <[REDACTED]>
contact@itsmustard.co.uk; joanne Johnstone
<[REDACTED]>

Subject: Re: Appointment to set noise levels at Its Mustard Thursday 4th May at 10:00am

Good morning Lorraine ,

Thank you for your email and time spent with us last Thursday on the visit with your colleagues. Moving on from our meeting where we all finally listened to each other and tried to find solutions in resolving the issues instead of trying to enforce closures without corresponding on the facts gained and hearing both sides of the areas of concern.

The informational paperwork you gave to us in the meeting set out times and dates of noise complaints and upon looking into these dates we have identified that two complaints on separate days were made when our business was closed can you provide more information on the details of these complaints ie loud music , noise coming from garden etc so we can investigate these claims also matching with our CCTV seeking if we were open or closed when these complaints were made and It's Mustard bring the offenders ?

We feel if you had provided this correspondence we could have resolved these issues on a more professional basis prior to our meeting.

However we discussed finding ways to resolve the issues with empathy for all people involved, neighbours, colleagues and the new business which wants to work with the local community employing local people and providing a place for local people to meet and enjoy each others company and the good atmosphere and ambience provided in the new bar restaurant.

We have already used acoustic insulation in the wall areas that were pointed out to have had gaps in so have started trying to find solutions in reducing the noise .

Upon having a meeting with the sound engineers over the weekend we have been gaining information on the best way to reduce the sound impact of the new business. We will need to order the required new sound system , wiring etc and correctly install the new equipment thus providing a more consistent level of music that can be monitored instead of the test being done on equipment we hope not to use again .

With this all in mind the short week we have this week and next week due to Bank holidays and obviously the Kings Coronation which we require time being spent decorating for this event and with all parties now working together to resolve things we would like to postpone the meeting

02.05.2023

E-Mail

Lorraine Astill

Thus will allow us time to order , purchase and install all equipment necessary to carry out a fair sound test .
 We would like all parties to meet at our premises on Saturday 20 May where all parties will have a suitable timescale to organise all of the above and can book this into their diary's without disruption to everyone's busy schedule on these short working weeks .
 We hope this meets everyone approval .

Thank you .

Best regards
 Adam Stringer

From: Stone, Derek <[REDACTED]>
 Sent: 02 May 2023 10:24
 To: Astill, Lorraine <[REDACTED]>; Maidment, Richard <[REDACTED]>
 Subject: It's Mustard

Lorraine / Richard

Re Thursday's visit just for your information, there were quite a few breaches regarding the Premises Licence conditions which I have given them a month to resolve.

In the main the issues were with the CCTV, no staff training or records, no refusal log and bizarrely no plan of the actual bar area.

I have sent a detailed e mail covering all these points to Jo and Adam

Regards

R

Hey

See V/M left by comp over the weekend re loud music and visit tonight 30/04.

Thanks

Carolyn

Visit to comp at 19:16hrs re music and bass from concern. Shown into bedroom i could hear a very low continuous bass for approx 1min. It then stopped. Had conversation with comp about weekend just gone, comp said it had been awful (loud music and bass) and she has been unable to escape the noise as it was in every room of her flat. Explained the LWA had had a meeting with It's Mustard last week and comp knew confirming LWA was visiting soon to sort out levels for the business. No further music heard whilst I was there so left at 19:34hrs and told comp to keep calling.

02.05.2023

E-Mail

Lorraine Astill

30.04.2023

Internal Communication

Lorraine Astill

30.04.2023

Ad Hoc Visit

Carolyn Tanner

30.04.2

Ad Hoc

Carolyn

023	Visit	n Tanner	
30.04.2 023	Telephone call	Carolyn Tanner	V/M left by comp on 29/04 at 16:47hrs stating DJ started at 16:30hrs. Another message left at 20:58hrs stating music is very loud and can be heard in every room in her house.
28.04.2 023	E-Mail	Lorraine Astill	<p>From: Bell, Steve <[REDACTED]> Sent: 28 April 2023 16:01 To: Astill, Lorraine <[REDACTED]> Cc: Maidment, Richard <[REDACTED]> Subject: FW: Breach of noise abatement notices for Its Mustard, 116 Albert Road Importance: High</p> <p>Hi Lou</p> <p>Latest from Mustard to discuss.</p> <p>KR</p> <p>S</p> <p>Mr S. Bell Regulatory Services & Port Health Authority Lead Portsmouth City Council Floor 2, Core 2 Civic Offices Guildhall Square Portsmouth PO1 2AL</p> <p>Tel: [REDACTED] M: [REDACTED] e: [REDACTED]</p> <p>From: City Help Desk <cityhelpdesk@portsmouthcc.gov.uk> Sent: 28 April 2023 15:57 To: Bell, Steve <[REDACTED]> Subject: FW: Breach of noise abatement notices for Its Mustard, 116 Albert Road</p> <p>Good afternoon</p> <p>Please see the below email thread from a customer we have directed to your service.</p> <p>Based on the information we have available to us, we have determined your department are best placed to respond directly to the customer regarding the enquiry.</p>

If you are not the appropriate department to deal with the enquiry, then please return to the city helpdesk.

If the city helpdesk can assist your department further with this enquiry please do not hesitate to contact us.

Kind regards,

Mark
Customer services officer
city helpdesk

Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2BG

T: [REDACTED] (0900 - 1600 Monday - Friday)
E: cityhelpdesk@portsmouthcc.gov.uk
W: www.portsmouth.gov.uk

We want all our customers to be able to access our services. If you have a disability or find it difficult to access our services and need us to make reasonable adjustments, please let us know and we will do everything we can to help.

Your information will only be used so we can deal with your enquiry. The law allows us to use your personal information so we can provide services for you. If you wish to know more, full details of our privacy policy can be found at <https://www.portsmouth.gov.uk/ext/your-council/transparency/data-protection-privacy-notice>

From: Robson, Debra <[REDACTED]>
Sent: 26 April 2023 14:28
To: 116 Albert road <116albertroad@gmail.com>
Cc: City Help Desk <cityhelpdesk@portsmouthcc.gov.uk>
Subject: RE: Breach of noise abatement notices for Its Mustard, 116 Albert Road

Hi Adam

Joanna rang me a while ago but I never did receive her email. I assumed she may have changed her mind.

Can I suggest you send it to the city help desk and not me direct and that way we know it has been received.

Their address is:

cityhelpdesk@portsmouthcc.gov.uk

Regards

Debbie Robson
Licensing

From: 116 Albert road <116albertroad@gmail.com>

Sent: 26 April 2023 14:04

To: Robson, Debra <[REDACTED]>

Subject: Re: Breach of noise abatement notices for Its Mustard, 116 Albert Road

Hi Debra

Thank you for talking to us regarding the issues we are experiencing and from the non helpful approach by Ms Astill .

Did you forward our email onto MS Astill senior adviser as we have not heard anything back yet in way of a reply ?

Can you please provide an email address who we can contact please ?

Ms Astill responds within half hour to any complaint she receives about us and we was hoping we might be able to get the same attention and helpful advice from this colleague as it clearly stated on the government website to seek help and advice from our local council and we cannot get any help or advice just stress and anxiety by asking this question from Ms Astill ?

Our original email below

Dear Ms Astill

Thank you for your email yesterday after our brief conversation on the phone in which I informed you that it was not a good day yesterday as a close personal friend had committed suicide. After informing you of this, your email yesterday confirms your unsympathetic approach to our new business, in which we have tried to work on elevating the issues with you and our new neighbours who make such complaints.

Making yourself very aware of the new business you have visited three times in the past month, you would know that the sound levels will have changed drastically as the premise has been empty for the last few years.

Visit 1) You entered unannounced to view our food hygiene standards. You carried out a thorough inspection in which you saw everything was new and kept clean to a high standard, food labelled and stored correctly. Upon leaving the visit, you were cooperative and informed us of a few things we were required to address; you seemed happy with the establishment and mentioned that your services were running 18 months behind on visiting some premises due to a backlog after covid and staff shortages.

Visit 2) You burst into our premises whilst we were shut and carrying out an interview with a client. You wanted attention straight away, putting your

papers on our table and asking questions we could not answer at that point, especially as we were in the middle of conducting an interview upon which the Chef being interviewed chose not to return for the second interview showing concern on why environmental health was insisting on being seen straight away!

This has caused us unnecessary delays in finding a new chef. We are a new business, employing local people who have worked in the Portsmouth hospitality section for many years and know that Albert Road has always been a busy area with Bars, food and music venues along the road. The Wedgewood rooms, opposite us, play loud music to be heard late at night in the flat above our restaurant. There is a sound studio to the rear of 114 Albert Road where music is played that can be heard from the rear garden. We agree the sound from our business premises may have changed from previous years for the neighbourhood. However, we are trying to cause no louder noise than any other hospitality venue with the same licence as ours to operate.

The noise abatement order served is duly down to one person's opinion, which does not adhere to the Government legislation referring to 2003 Licensing Authority Act 2.15 and 2.19. Could you provide information on how we have not adhered to this ?

We are trying to work with the neighbours and Portsmouth Council on how they recommend we alter our business to meet the guidelines. It clearly stated on the government website that the local council would help and advise. However, we are not getting this help when the person appointed to deal with some issues will not provide an impartial assessment and will word her emails.

"I am issuing"

"I think"

This is not impartial, and we have asked for evidence. We are seeking information on what are the guidelines you are asking us to adhere to from Government and local law legislation?

We would kindly request a new officer to deal with the situation as Ms Astill is taking a personal dislike and authoritarian approach to deal with issues that this new business is experiencing. The way in which Ms Astill has conducted her approach in dealing with these challenges to find solutions has been unprofessional and issuing a noise abatement notice order without any consultation has resulted for us to ask for another Environmental officer .We would welcome a planned visit from an officer to help and discuss with us what we need to do to ensure we meet the Government guidelines.

If required please call me on

[REDACTED]

Thank you

Best regards
Adam Stringer

----- Forwarded message -----

From: Astill, Lorraine <[REDACTED]>

Date: Tue, 25 Apr 2023 at 10:49
Subject: Breach of noise abatement notices for Its Mustard, 116 Albert Road
To: contact@itsmustard.co.uk <contact@itsmustard.co.uk>, 116 Albert road <116albertroad@gmail.com>

Dear Ms Johnstone and Mr Stringer

A further complaint was received from a local resident on Saturday 22nd April and subsequently to this an officer from this department witnessed loud music emanating from your bar It's Mustard, 116 Albert Road.

Please find attached a letter informing you that this is a breach of the noise abatement notices served on Its Mustard Ltd and Joanne Johnstone (DPS). Letters have also been sent in the post to the corresponding addresses.

I would recommend that you contact me to discuss this matter further.

Kind regards

Lorraine Astill
Principal Regulatory Service Officer

Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Telephone: 0 [REDACTED]

Moible: [REDACTED]

Email: [REDACTED]

This email is for the intended recipient(s) only.

If you have received this email due to an error in addressing, transmission or for any other reason, please reply to it and let the author know. If you are not the intended recipient, you must not use, disclose, distribute, copy or print it.

This email may be monitored, read, recorded and/or kept by Portsmouth City Council. Email monitoring and blocking software may be used.

28.04.2
023

Telephone
call

Lorraine
Astill

call to comp and informed her that the Owner and premise licence holder had requested help to set noise levels. She is happy for this to take place

			<p>in her flat. Said that I would try to arrange something for Thursday at 10:00am</p> <p>Advised her to monitor the noise levels on Saturday as they are still having a DJ as planned. She said she would do this and then go to her mums.</p> <p>Discussed formal action that could be taken if the noise problem persists</p>																																	
27.04.2023	Meeting	Lorraine Astill	<p>Meeting at Its Mustard with Joanne Johnstone, Adam Stringer, Derek Stone (Licensing Officer) and Richard Maidment.</p> <p>Allegations made that the business has not been helped with regards to the music witnessed coming from the bar and that they lost the appointment of a chef. Both Adam and Joanne said that LWA had burst into the premise when Joanne was carrying out the interview without an appointment. It was explained that an appointment was not necessary. They stated that the visit was not carried out in a professional manner as notes were made. LWA checked the notes that had been left and it detailed her email address and contact number. Requesting information about the glazing in the roof and also asking if a VLM had been installed or is intended to be installed. Four other items listed with regards to food hygiene requirements. At this visit (29.03.23) Joanne Johnstone said she would make contact.</p> <p>A request was made by Adam Stringer for noise levels to be set in the bar. RJM explained that we could do this, but they might not like the levels that they will be allowed to play the music. It was also explained that they would not be able to use this as a defence if formal action was to be taken. LWA said that she would contact one of the complainants and arrange an appointment for noise levels to be set.</p> <p>Adam referred to legal representation and asked if we had evidence of the music witnessed. Informed him that we had, and he requested a copy of this. Advised that we do not normally provide this information unless that there is an appeal against the notice, but it could be provided should it be deemed necessary.</p> <p>Derek Stone advised Joanne and Adam that a review could be called which could request that they were not allowed to play music.</p> <p>Chronology information provided both to Adam and Joanne</p> <table border="1"> <thead> <tr> <th>Complaint ref</th> <th>Date</th> <th>comments</th> </tr> </thead> <tbody> <tr> <td>23/00315/ENI</td> <td>06/02/23</td> <td>Complaint received</td> </tr> <tr> <td>23/00307/ENI</td> <td>06/02/23</td> <td>Complaint received</td> </tr> <tr> <td>23/00315/ENI</td> <td>09/02/23</td> <td>Letter to Premise Licence Holder/DPS Joanne Johnstone</td> </tr> <tr> <td>23/00315/ENI</td> <td>25/02/23</td> <td>Call from complainant reporting loud music and shouting from patrons in the garden</td> </tr> <tr> <td>23/00730/ENI</td> <td>28/03/23</td> <td>Complaint received</td> </tr> <tr> <td>23/00734/ENI</td> <td>29/03/23</td> <td>Complaint received</td> </tr> <tr> <td>23/00041/CP</td> <td>29/03/23</td> <td>Visit to Its Mustard to check food hygiene compliance and discuss noise complaints. Joanne Johnstone at the premise interviewing a chef. She said she was aware of the noise complaints and she would be in contact with me to discuss this further. Asked for details with regards to the glaze roof installed at the premise.</td> </tr> <tr> <td>23/00734/ENI</td> <td>08/04/23</td> <td>Call from complainant reporting loud music and shouting from patrons</td> </tr> <tr> <td>23/00307/ENI</td> <td>08/04/23</td> <td>Call from complainant reporting loud music and shouting from patrons</td> </tr> <tr> <td>23/00730/ENI</td> <td>08/04/23</td> <td>Call from complainant reporting loud music</td> </tr> </tbody> </table>	Complaint ref	Date	comments	23/00315/ENI	06/02/23	Complaint received	23/00307/ENI	06/02/23	Complaint received	23/00315/ENI	09/02/23	Letter to Premise Licence Holder/DPS Joanne Johnstone	23/00315/ENI	25/02/23	Call from complainant reporting loud music and shouting from patrons in the garden	23/00730/ENI	28/03/23	Complaint received	23/00734/ENI	29/03/23	Complaint received	23/00041/CP	29/03/23	Visit to Its Mustard to check food hygiene compliance and discuss noise complaints. Joanne Johnstone at the premise interviewing a chef. She said she was aware of the noise complaints and she would be in contact with me to discuss this further. Asked for details with regards to the glaze roof installed at the premise.	23/00734/ENI	08/04/23	Call from complainant reporting loud music and shouting from patrons	23/00307/ENI	08/04/23	Call from complainant reporting loud music and shouting from patrons	23/00730/ENI	08/04/23	Call from complainant reporting loud music
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 23/00730/ENI 08/04/23 Stat nuisance witnessed- loud music from Its Mustard. Officer approached the bar to speak to DPS. DPS not present but owner was Adam Stringer.
 23/00811/ENA10/04/23 (Bank Holiday) Alarm sounding
 23/00811/ENA11/04/23 Visit to complainant alarm audible with their property and also in the post office
 23/00811/ENA11/04/23 Telephone call to Joanne Johnstone to inform her that there is an alarm sounding at the property
 23/00730/ENI 11/04/23 Notice served - loud music from Its Mustard
 23/00730/ENI 13/04/23 Contact from Joanne Johnstone in relation to notice served
 23/00730/ENI 14/04/23 Call to Joanne Johnstone in response to message left 13/04/23
 23/00931/ENI 20/04/23 Complaint received concerning noise from first floor flat 116a Albert Road
 23/00930/ENI 20/04/23 Complaint received concerning noise from first floor flat 116a Albert Road
 23/00930/ENI 20/04/23 Stat nuisance - loud music from first floor flat 116a Albert Road
 23/00930/ENI 21/04/23 Call received from Joanne Johnstone in relation to officer visiting Its Mustard concerning loud music coming from 116a Albert Road on 20/04/23. Confirmed that the flat belonged to Adam Stringer and that she was now a key holder and would like to be contacted if there is a problem.
 23/00730/ENI 22/04/22 Call received from complainant. Loud music witnessed from Its Mustard in breach of noise abatement notice
 23/00730/ENI 25/04/23 Breach of notice letter sent to Joanne Johnstone and Adam Stringer (Its Mustard Ltd)
 23/00730/ENI 25/04/23 Call from Joanne Johnstone in relation to breach letter

26.04.2023

E-Mail

Lorraine Astill

From: [REDACTED]
 Sent: 26 April 2023 19:29
 To: Astill, Lorraine <[REDACTED]>
 Subject: Re: FW: 23/00730/ENI - Noise from Its Mustard 116 Albert Road

Hi Lorraine,

Great, thanks so much for keeping me posted. Can you let me know how the Thursday meeting goes please?

I'm at the point where listening to the music all evening is exhausting me and meaning I don't have any energy to do much the following day, so I may not be in on 29 April. Or I can wait until it kicks off and then leave to go stay with my parents if that will help things.

Thanks,

[REDACTED]

25.04.2023

Telephone call

Lorraine Astill

call to Joanne Johnstone referred her to corporate complaints if she wants to speak to a manager. Agreed to visit the premise to meet both

			her and Adam Stringer on Thursday at 15:00hrs.
25.04.2 023	Letter	Lorraine Astill	Breach of abatement notice sent to Joanne Johnstone and Company Secretary Its Mustard Ltd
25.04.2 023	E-Mail	Lorraine Astill	<p>copy of breach letter sent by email</p> <p>bcc: [REDACTED]; Bell, Steve <[REDACTED]> Maidment, Richard <[REDACTED]> Lee, Richard <[REDACTED]></p> <p>From: Astill, Lorraine Sent: 25 April 2023 10:49 To: contact@itsmustard.co.uk; 116 Albert road <116albertroad@gmail.com> Subject: Breach of noise abatement notices for Its Mustard, 116 Albert Road</p> <p>Dear Ms Johnstone and Mr Stringer</p> <p>A further complaint was received from a local resident on Saturday 22nd April and subsequently to this an officer from this department witnessed loud music emanating from your bar It's Mustard, 116 Albert Road.</p> <p>Please find attached a letter informing you that this is a breach of the noise abatement notices served on Its Mustard Ltd and Joanne Johnstone (DPS). Letters have also been sent in the post to the corresponding addresses.</p> <p>I would recommend that you contact me to discuss this matter further.</p> <p>Kind regards</p> <p>Lorraine Astill Principal Regulatory Service Officer</p> <p>Regulatory Services Portsmouth City Council Civic Offices Guildhall Square Portsmouth PO1 2AL</p> <p>Telephone: [REDACTED] Moible: [REDACTED] Email: [REDACTED]</p>
25.04.2 023	Telephone call	Lorraine Astill	call from Joanne Johnstone asking for a meeting with a manager to discuss recent letter and complaints. She alleged that I had miss informed her and that she had tried to contact the service for 3 hours on

			<p>Friday and ended up visiting the civic. Said i would see what i could arrange and that i would call her back.</p> <p>She said that she was given the telephone number for mediation informed her that i was not aware that mediation helped commercial businesses. Carolyn checked whilst i was on the phone to Ms Johnstone and mediation will assist commercial businesses. Also gave her the correct telephone number for mediation and advised that we would not be able to provide complainants details.</p> <p>She also mentioned that she had been in touch with Debbie in licensing who clarified that she was allowed to have music.</p>
25.04.2 023	Telephone call	Lorraine Astill	<p>call to licensing and spoke with Debbie Robson she clarified that the bar could have a DJ under the recorded music act until 23;00hrs</p>
25.04.2 023	E-Mail	Lorraine Astill	<p>From: Astill, Lorraine Sent: 25 April 2023 12:48 To: [REDACTED] Subject: FW: 23/00730/ENI - Noise from Its Mustard 116 Albert Road</p> <p>Dear [REDACTED]</p> <p>Thank you for your email.</p> <p>A meeting has been arranged on Thursday this week to discuss the matter with the licensee and the owner, I am hopeful that this may reduce the noise levels from this venue.</p> <p>Should this not be the case, please inform me if the music on 29th April is audible throughout your flat and I will arrange to be available on Saturday 6th May to witness the noise.</p> <p>Kind regards</p> <p>Lorraine Astill Principal Regulatory Service Officer</p> <p>Regulatory Services Portsmouth City Council Civic Offices Guildhall Square Portsmouth PO1 2AL</p> <p>Telephone: [REDACTED] Moible: [REDACTED] Email: [REDACTED]</p>
22.04.2 023	E-Mail	Lorraine Astill	<p>Email also saved to DMS with attachments From: [REDACTED] Sent: 22 April 2023 15:48</p>

To: Astill, Lorraine <[REDACTED]>
Subject: Re: 23/00730/ENI - Noise from Its Mustard 116 Albert Road

Hi Lorraine,

Have been looking into It's Mustard events because it's loud again (have logged it) and while they have pulled all advertisements down from their own social media, today they (stupidly) tagged a photo as bottomless brunch event (see attached) which led me down a bit of rabbit hole. I've now found their DJs advertising further bottomless brunch events beyond today, including the following dates:

- o 22 April
- o 29 April
- o 06 May
- o 01 July

Please see attached for all screenshots. You should also be able to see the same dates advertised on the bio of this profile:

https://www.instagram.com/underground___soiree/

Thanks,

[REDACTED]

Message left at 14:57 hrs re loud music in the bar. Further call at 18:16hrs music getting louder.

Arrived 19:27hrs As we entered rear garden area bass beat clearly audible from It's Mustard. Shown into client's bedroom where bass beat was clearly audible conducted measurements and audio recordings using Nor14 7361 calibrated prior to use.

Unable to identify any tracks being played could only hear the constant thump and drone of the bass beat. Music noise level LAeq (4mins) 38dB underlying level 28dB(A) problem mainly in 63Hz 1/3 octave band Leq 60dB versus underlying level 35dB.

Mr
Richard
Maidment

19:38hrs moved to living room bass beat was slightly reduced but still noticeable. It was audible above TV which was set at a reasonable volume although occasionally masked by passing traffic Music Noise level LAeq 42dB underlying level 28dB(A), 63Hz 1/3 octave band Leq 51dB versus underlying level of 24dB.

19:44hrs moved to kitchen where bass was subjectively louder LAeq (3 mins) 40dB underlying level 30dB(A). 63Hz 1/3 octave band 57dB versus underlying level 23dB.

19:47hrs moved to bathroom. Bass seemed even louder LAeq 45dB underlying level 34dB 63Hz 1/3 octave 65dB versus underlying level of 35dB.

Overall considered the bass to be very intrusive and likely to interfere with any activity Page 197 degree of concentration i.e. reading watching

22.04.2
023

Breach Of
Abatement
Notice

TV etc. very difficult to ignore would certainly interfere with anyone trying to sleep in the bedroom and there was nowhere in the flat where the resident could escape the noise.

In my opinion this is a contravention of the noise abatement notice served on the DPS and Premise Licence holder.

Left at 19:55hrs no approach made to the bar as we are reliably informed that they will be open to midnight in contravention of their Licence and wish to return later to gather evidence.

As we passed the bar could see a DJ set up in the premises.

From: Brand, Nicola <[REDACTED]>
Sent: 21 April 2023 13:07
To: Public Protection <[REDACTED]>
Subject: Its Mustard

Good Afternoon

I have had a lady called Joanne Johnstone Tel [REDACTED] Email [REDACTED].com can someone please contact her as soon as possible she has been trying to speak with the team to see who came to see them at the bar Its's mustard 116 Albert Road PO4 0JS yesterday regarding a noise complaint regarding music around 9PM for the property above the bar that was empty.

They have been working with Lorraine Astell they feel that the communication has broken down with Lorraine and the person making the complaint is now getting petti.

Lorraine called about an alarm going off in the property Joanne was expecting the police to be there when she arrived but there was no one and when she entered the property it was a little bleep noise not an alarm at all.

Can they have someone else assigned to the case as they feel the relationship with Lorraine has become to personnel.

Kind regards

Nikki

This email address is not monitored regularly

Please respond to cityhelpdesk@portsmouthcc.gov.uk

Nicola
customer service office

21.04.2023

E-Mail

Lorraine Astill

City Helpdesk
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth. PO1 2BG

T: [REDACTED]
E: [REDACTED]
W: www.portsmouth.gov.uk

We want all our customers to be able to access our services. If you have a disability or find it difficult to access our services and need us to make reasonable adjustments, please let us know and we will do everything we can to help.

Your information will only be used so we can deal with your enquiry. The law allows us to use your personal information so we can provide services for you. If you wish to know more, full details of our privacy policy can be found at <https://www.portsmouth.gov.uk/ext/your-council/transparency/data-protection-privacy-notice>

20.04.2
023

Telephone
call

Mr
Richard
Maidment

Message left 21:20hrs. Coincidentally I was already in a neighbouring property (see 23/00730/ENI) her message said there had been loud music since 17:30hrs tonight. I tried to call her back when I picked message up at 21:53hrs but there was no answer and no voicemail facility.

14.04.2
023

E-Mail

Lorraine
Astill

From: Astill, Lorraine
Sent: 14 April 2023 14:12
To: Lee, Ross <[REDACTED]> Austin, Neil
<[REDACTED]>
Subject: It's Mustard

Hi Ross/Neil

I have just spoken to the DPS (Joanne Johnstone) at Its Mustard, she claims that she has cancelled all events for this weekend.

For your information she said that she wasn't there on Saturday when I visited, and she left her manager in charge. She said that Adam Stringer (owner) of the bar was not working and was intoxicated and should not have come out to speak to me?

She is currently dealing with a bereavement as her friend committed suicide and is struggling to deal with things. She said that she will be in touch with me on Monday regarding the noise issues.

Kind regards

Lorraine Astill
Principal Regulatory Services Officer

Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Telephone: [REDACTED]

Moible: [REDACTED]

Email: [REDACTED]

14.04.2
023

Telephone
call

Lorraine
Astill

call to Joanne Johnstone she said that she feels like the bar is being picked on as they have only been open 4 months. She claimed that the noise complaint on Saturday was about noise from people in the garden. I informed her that it was about music. She said that she was not there, and this is what her manager had told her as she had not long left and had left her in charge. Advised that there is 4 separate complaints from residents complaining about noise from the premise.

She said she feels like the complainants have not been dealt with properly as she has only had one letter and spoken to me when i visited about the food hygiene issues when she was interviewing the chef. She said that i had been sending emails to an address that did not include her. Got her to clarify that Adam Stringer was her employee and asked if they corresponded, she said that they did and I informed her then surely she would have been told about the email that i had sent to them just before Easter?

She said that Adam should not have spoken to me on that Saturday as he was not working and he was intoxicated. She said her manager was trying to talk to me. I confirmed that she was and that she was trying to direct Adam to go inside.

Informed Joanne that the volume of the music was unreasonable and that it was so loud that I could hear the lyrics and it sound like I was in the bar. Told her that I had witnessed a large speaker on the bar. She said that she did not notice this when she was in the bar and that the DJ was packing down. Advised her that this is not what was alleged as i had been informed that the music had continued until 02:30am. She said that this was not the case.

She again reiterated that she felt like she had not been given the opportunity to deal with the noise issue and she is not in the right frame of mind at the moment due to her friend committing suicide. Also advised her that they could appeal the notice and she said what is the point.

She said that she had cancelled all entertainment this weekend so we could pick on the other new venues that are opening.

She asked what they could do. Advised that they need to reduce the volume of the music and in particular the bass but said that i did not feel that the premise was suitable for a DJ and that perhaps they could play background music with no bass. Advised that due to the glass roof and open kitchen area any bass would penetrate the structure and also they are structurally attached to residential properties. Said that i would be happy to contact the complainant to try and help set some levels but they may not be happy with what levels they would be allowed to have. She said that she would be in touch with me on Monday when she feels a bit better.

13.04.2 023	Telephone call	Lorrain e Astill	<p>Msg left by Joanne Johnstone dps at 11:08am she said that she has been forwarded the email from Adam about the notice. She said she is a bit upset as she did not have any indication on how bad the situation was only other than the letter and talking to me face to face.</p> <p>She said that they had a complainant come into the bar and they tried to work with them.</p> <p>She said that she feels like that i have gone above and beyond and i making it impossible for them and they have only been open 4 months. She said that i would like to work with us.</p> <p>She said that there are other bars in the area making more noise than them. she said that she would like clarification as to what the noise complaint was as she believes that it was about people talking, but she would like to know if it was Adam or music as the notice states music. She would like a call back.</p>
11.04.2 023	Abatement Notice	Lorrain e Astill	<p>Noise abatement notice on Its Mustard Ltd, 24 Cherry Orchard Road, Bromley, Kent BR2 8NE and Ms Joanne Johnstone (DPS) [REDACTED] both saved to DMS</p>
11.04.2 023	Telephone call	Lorrain e Astill	<p>call to comp to inform her that a nan has been served she said that she had seen something for a live DJ on 22nd on Instagram but it would appear to have been taken down. Advised to continue to call.</p>
11.04.2 023	Letter With Notice	Lorrain e Astill	<p>Letter with notice served on Joanne Johnstone (DPS) and Its Mustard Ltd - saved to dms</p>
11.04.2 023	E-Mail	Lorrain e Astill	<p>From: Astill, Lorraine Sent: 11 April 2023 11:57 To: Planning Enforcement <[REDACTED]> Subject: 20/01182/FUL Its Mustard 116 Albert Road</p> <p>Dear Planning Enforcement</p> <p>I am serving a noise abatement notice on Its Mustard Ltd at 116 Albert Road as I witnessed loud music causing a statutory nuisance to a local resident. I currently have 4 complaints from different residents in the area. The premise is being run as a bar/restaurant with the provision of entertainment. I note that there is no decision notice on the planning website. I would be grateful if you could inform me if any opening/closing hours have been confirmed on any decision notice as there does not appear to be any on the application. The complainant informed me that the music finished at 02:00am on Saturday.</p> <p>Kind regards</p> <p>Lorraine Astill Principal Regulatory Service Officer</p> <p>Regulatory Services Portsmouth City Council Civic Offices</p>

Guildhall Square
Portsmouth
PO1 2AL

Telephone: [REDACTED]

Moible: [REDACTED]

Email: [REDACTED]

From: Astill, Lorraine

Sent: 11 April 2023 14:01

To: [REDACTED]

Subject: Noise abatement notice Its Mustard 116 Albert Road, Southsea

Dear Ms Johnstone

Further to my visit to Its Mustard on Saturday evening in relation to a number of complaints received from local residents due to the volume of music being played at your venue please find attached a noise abatement notice. Please read the documents attached carefully and if you wish to discuss this further my telephone number is below.

A noise abatement notice has also been served on It's Mustard Ltd at their registered address as given on Companies House.

You will also be receiving a copy of the notice by post.

For you information both the Licensing Services and Planning Enforcement have been made aware that a noise abatement notice is being served today.

Kind regards

Lorraine Astill

Principal Regulatory Service Officer

Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Telephone: [REDACTED]

Moible: [REDACTED]

Email: [REDACTED]

11.04.2
023

E-Mail

Lorraine
Astill

11.04.2
023

E-Mail

Lorraine
Astill

From: Astill, Lorraine

Sent: 11 April 2023 13:56

To: 116albertroad@gmail.com; contact@itsmustard.co.uk

Subject: Noise Abatement Notice 116 Albert Road, Southsea PO4 0JS

Dear Mr Stringer

Further to my visit to your premise on Saturday evening in relation to a number of complaints received from local residents due to the volume of music being played at your venue please find attached a noise abatement notice. Please read the documents attached carefully and if you wish to discuss this further my telephone number is below.

A noise abatement notice has also been served on your designated premise supervisor - Joanne Johnstone.

You will also be receiving a copy of the notice by post. This is being sent to the registered office as on specified on Companies House.

For you information both the Licensing Services and Planning Enforcement have been made aware that a noise abatement notice is being served today.

Lorraine Astill
Principal Regulatory Service Officer

Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Telephone: [REDACTED]

Moible: [REDACTED]

Email: [REDACTED]

From: Astill, Lorraine <[REDACTED]>

Sent: 11 April 2023 11:03

To: Lee, Ross <[REDACTED]>

Cc: Stone, Derek <[REDACTED]>

Subject: ITS MUSTARD, 116 Albert Road

Hi Ross

For you information I will be serving a noise abatement notice on Its Mustard Ltd at 116 Albert Road for loud music, as I witnessed statutory nuisance on Saturday evening. I have also spoken to the complainant this morning about the alarm, and she has informed me that the music continued until 02:30am on Sunday morning. She said that this is the latest that they have been in the premise. She said that the music normally stops around 12:30am. I note that the premise license only allows them to open until 23:00hrs and there is no provision of entertainment. The complainant has informed me that there is

11.04.2
023

E-Mail

Lorraine
Astill

regulated entertainment on a Friday and Saturday.

As far as I was aware Joanne Johnstone was not at the property on Saturday evening when I visited, and I spoke with the owner Adam Stringer.

Please let me know if you require any further information.

Kind regards

Lorraine Astill
Principal Regulatory Service Officer

Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Telephone: [REDACTED]

Moible: [REDACTED]

Email: [REDACTED]

10.04.2 023	Telephone call	Neil Austin	10th April 2021 19:42 Message from comp advising that there has been an alarm going for an hour. (No service due to Bank holiday)
08.04.2 023	Telephone call	Lorraine Astill	msg left by comp at 18:40 with regards to loud music from Its Mustard. Called her back and informed her that i had received another complaint concerning this premise and that i would be visiting the area when I had carried out prearranged visits.
08.04.2 023	E-Mail	Lorraine Astill	email from comp asking if i had picked her phone up during my visit informed her that i had and arranged to drop it off
08.04.2 023	Significant Disturbance	Lorraine Astill	Arrived at comps at 21:55 the entry to her property via [REDACTED]. [REDACTED] of It's Mustard. Music could be heard when entering the comps property. The comp lives [REDACTED] It's Mustard. The music from the venue was evident as soon as you entered the stairwell and once you were on the first floor it sounded like the music was coming from the complainants flat. The music was audible in the complainants living room and bedroom. The lyrics were clearly audible although I did not recognise the tracks being played. The bass could be felt vibrating through the adjoining wall. There was nowhere in the complainants flat that she could escape the noise. Noise measurements were taken in the bedroom 44dB(A) with the music at its highest and in the lull of tracks 26dB(A). Level of music was having a significant impact upon the complainant and her property. Statutory nuisance witnessed. The complainant said that the music had been playing since 14:00pm and she said that the DJ is situated right under her bedroom. She said that she has tried to speak with the owner but he said that the has to do what his customers want. I went to the bar and asked to speak with the manager. Adam Stringer

			<p>and a lady came out to speak to me. Adam introduced himself. I informed them that i had received a number of complaints this evening. Mr Stringer was very argumentative but the lady with him kept trying to ask for advice on what they could do. I advised that they need to reduce the volume of the music in particular the bass and keep the doors shut when they have entertainment. Adam said that he was not going to stop the music and that he was not doing anything any different to the bars in the area. He asked me if i could hear music from the Wedgewood rooms and at first i could not but in the lull of the traffic i could hear a low bass beat. I informed Mr Stringer that the complaints were received about his property and not the any other in Albert Road. He then started to record me as he disagreed that the noise was being created by their bar as it could not be heard outside in Albert Road. I informed him that he would be getting a noise abatement notice. Mr Stringer did not want to listen to what i was trying to inform him and i believe that he had been drinking.</p> <p>I noted that on entering the bar that the dj set up was across the kitchen entrance and that there was a large speaker on the bar.</p> <p>On trying to download the noise measurements when back in the office they had been saved to the internal measurement and not to the SD card so i was unable to play them back or download them.</p>
08.04.2023	Telephone call	Lorraine Astill	<p>further msg from comp at 21:32 requesting a visit. I had visited the rear of Albert Road at 20:30 and thought that i had already spoken to this complainant in person but due to the phone numbers being similar I had visited her neighbour instead. Arranged to visit her.</p>
08.04.2023	Significant Disturbance	Lorraine Astill	<p>visit to comp to drop her phone off that i had accidentally picked up. Asked if the music was still on and if i could recorded it as the last measurements had not recorded.</p> <p>Carried out measurements in comps bedroom. The volume of the music had been reduced slightly but lyrics and bass could still be heard. Significant disturbance still being caused. Informed comp that a nan is going to be served</p>
31.03.2023	Initial Referral	Lorraine Astill	
31.03.2023	Telephone call	Lorraine Astill	<p>call to comp provided ref no and nns contact details. said that i would also email them. Discussed procedures.</p>
31.03.2023	Live Letter	Lorraine Astill	<p>From: Astill, Lorraine Sent: 31 March 2023 13:58 To: [REDACTED] Subject: 23/00730/ENI - Noise from Its Mustard 116 Albert Road</p> <p>Dear [REDACTED]</p> <p>Thank you for your web complaint form. Your complaint reference number is 23/00730/ENI. Please quote this number during all correspondence with the service.</p> <p>In an attempt to resolve your complaint immediately we have written to the occupier of the premises you have accused of causing the nuisance and have advised them of the nature of the complaint and of our powers and procedures.</p> <p>We have not told them who has made the complaint and will not reveal your details at any stage.</p>

If that letter fails to resolve the problem, and to assist us further in our investigation, it is now vitally important that we witness the noise while it is being created.

To enable us to do this, please telephone us as soon as the noise occurs and on every occasion that it does so. This will provide us with an opportunity to visit your property and witness the disturbance. Any failure to do this will considerably hinder our investigation process.

We are able to respond both during and outside of normal office hours.

If you are disturbed by noise Monday to Thursday between 08:30 and 17:00 or on Friday between 08:30 and 16:00 please notify me directly on the telephone numbers below.

If the noise only occurs outside of our operating hours, please contact me to enable us to discuss alternative arrangements to enable us to witness the noise.

Information is attached to enable you to access the Duty Officer at night. Please note that our Night Noise Service contact details are different to those listed above.

Please note that in times of high service demand an Officer may not be available to take your call. If you are diverted to voicemail please leave your name, address, telephone number and reference number and state that you would like a call back. The Officer will then respond as soon as he or she becomes available again.

You will note that we are currently unable to offer a daytime service on Saturday or Sunday. If you are disturbed by noise during these times please leave a message on the Night Noise Service number with the same details as above. The Duty Officer or your Case Officer will then contact you as appropriate

PLEASE NOTE: Your complaint will remain active for a further 35 days from the date of this letter. If you do not contact us within this period we will assume that the circumstances have changed and your complaint will be closed without any further contact with you

Kind regards

Lorraine Astill
Principal Regulatory Service Officer

Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL Page 206

Telephone: [REDACTED]

Moible: [REDACTED]

Email: [REDACTED]

PROPERTY HISTORY

UPRN: 001775000954

ADDRESS: 116 Albert Road Southsea PO4 0JS

Module	Reference	Opened Date	Closed Date	Description
AP	A*22748/ENF1		10.06.1979	Enforcement Appeal
CP	19/00375/CP	23.10.2019	21.01.2020	Belushi's
CP	21/00426/CP	01.07.2022	08.02.2023	It's Mustard
CP	23/00041/CP	08.02.2023		It's Mustard
DC	20/00026/PACOU	01.10.2020	05.02.2021	Application for prior approval (Class C) relating to the change of use of ground floor from shop (Class A1) to cafe (Class A3).
DC	20/01182/FUL	15.10.2020		Construction of single-storey side/ rear extension; alterations to shop front and alterations to the rear of the property to include installation of extraction system and flue (description amended)
DC	A*22748/AB		10.04.1989	CONSTRUCTION OF REAR BALCONY WITH STAIRS TO FIRST FLOOR FLAT
DC	A*22748/AA		20.01.1989	CONSTRUCTION OF REAR BALCONY WITH STAIRS TO FIRST FLOOR FLAT
DC	A*22748/A		18.04.1979	CHANGE OF USE FROM STORE TO CAR FINISHING WORKSHOP
DC	A*22748		18.06.1959	THE ERECTION OF OPEN-FRONTED SHEDS FOR THE STORAGE OF BUILDING MATERIALS
EN	23/00086/BOC	12.04.2023	09.05.2023	Enforcement Enquiry
EN	A*22748/ENF1		23.10.1979	Enforcement Enquiry
EN	A*22748/ENF2		12.01.1989	Enforcement Enquiry
LI	22/01274/LAPREM	07.02.2022		Premises Licence
LI	22/03292/LAPREM	02.12.2022		Premises Licence
SR	20/03784/EPL	17.12.2020	22.01.2021	Planning - REF NO: 20/00026/PACOU, 13th January 2021.
SR	21/00582/EPL	26.02.2021	16.04.2021	Planning - REF NO: 20/01182/FUL, deadline 13th April 2021
SR	21/01527/FG4	18.05.2021	20.09.2022	New Takeaway premises would like to

				know food approval code needed for chicken/fish/meat. Aswell as hygiene rating certificate. In process of getting premises/personal licence but would like any further advice for new business.
SR	21/02221/EPL	09.07.2021	28.06.2022	Planning - REF NO: 20/01182/FUL, by 3 August 2021
SR	21/03935/FG4	22.11.2021	23.11.2021	Checking progress of food registration form submitted
SR	22/00378/EPL	07.02.2022	24.02.2022	Licensing - their ref 22/01274/LAPREM,.. deadline Representations by 7th March 2022
SR	23/00307/ENI	06.02.2023		NOTICE SERVED New premises called Its Mustard, loud music and numerous voices shouting, restaurant uses back garden as a beer gardenCant open my window and have to turn up volume on films as cant hear otherwise
SR	23/00315/ENI	06.02.2023		NOTICE SERVED Loud music whistles shoutingI cannot sleep or rest, feel frustrated not considered, let down & upset, Taken advantage of, I purchased this property 16 years ago and now feel like selling
SR	23/00730/ENI	28.03.2023		see notepad - NOTICE SERVED
SR	23/00734/ENI	29.03.2023		NOTICE SERVED Loud music. The door of the restaurant is being wedged open. Had to close windows and can still hear the music. Please see attached.
SR	23/00811/ENA	11.04.2023	03.06.2023	alarm been sounding since Sunday



Portsmouth CITY COUNCIL

Environmental Health
Civic Offices
Guildhall Square
PORTSMOUTH
PO1 2AL
Tel: 023 9268 8366

COMPLAINTS AND SERVICE REQUESTS

1. UNIFORM

Uniform Ref: 23/00811/ENA

Date Received: 11 April 2023 08:55

Received By: Lorraine Astill

2. CUSTOMER DETAILS

Name: [REDACTED]

Tel: [REDACTED]

Address:

[REDACTED]

Email: [REDACTED]

Date Acknowledged:

3. COMPLAINT/SERVICE REQUEST DETAILS

Complaint/Request Type: Noise-Alarm

Date Occurred:

Details of Complaint or request:

alarm been sounding since Sunday

Concern Name:

Tel:

Concern Address:

116 Albert Road

Southsea

PO4 0JS

Trading Name: Its Mustard

Email:

4. OFFICER

Allocated to: Lorraine Astill (Environmental Protection 1)

Date Allocated:

Target Completion Date:

Closing Action:
Date Closed: 3 June 2023

PROCESS DETAILS

Inspection Reference: 2023/52/DC/DPS **Inspection Type:** Other Request

Date: 11.04.2023 **Type:** Miscellaneous Activity **Officer:** Lorraine Astill

Date:	Action	Officer	Notes
03.06.2023	Review	Lorraine Astill	
11.04.2023	Telephone call	Lorraine Astill	call to comp alarm still sounding. Arranged to visit at 10:00am
11.04.2023	Telephone call	Lorraine Astill	call to licensing to ask if they had a telephone number for Joanne Johnstone DPS
11.04.2023	E-Mail	Lorraine Astill	<p>From: Lee, Ross <[REDACTED]> Sent: 11 April 2023 09:26 To: Astill, Lorraine <[REDACTED]> Subject: ITS MUSTARD</p> <p>Joanne Johnstone is DPS [REDACTED]</p> <p>Email is [REDACTED]</p> <p>Ross Mr Ross C Lee Licensing Officer</p> <p>Culture, Leisure & Regulatory Services Licensing Service Civic Offices Guildhall Square Portsmouth Hants PO1 2AL</p> <p>Tel: [REDACTED] Email: [REDACTED] Web: www.portsmouth.gov.uk</p>
11.04.2023	Telephone call	Lorraine Astill	call to Joanne Johnstone informed her that there is alarm sounding at the property. She said that she was not at her best as she has

			had a death in the family. She said that she would deal with the alarm.
11.04.2023	Telephone call	Lorraine Astill	call from comp at 11:45 to say that the alarm had gone off.
11.04.2023	Telephone call	Lorraine Astill	msg from Joanne Johnstone at 14:53 she said that the alarm was in the cupboard under the stairs it was a fault. I will call you tomorrow regarding the other matters as cant talk today.
11.04.2023	Telephone call	Lorraine Astill	Hi Lorraine, it's [REDACTED] from [REDACTED] just ringing in regards to noise from its mustard 116 Albert Road reference number 23 Slash 00730 Slash EN I. There is an alarm that has been going off since about 5:30 yesterday evening and it can be heard throughout all of my flat. I've tried ringing every number that I can think of to try and get this sorted yesterday, unfortunately to no avail. Just wondering if you have any sort of contact number for the owner of its mustard because I believe he also owns the property above it if it is a property. Thanks very much. Cheers. Bye.
11.04.2023	Ad Hoc Visit	Lorraine Astill	visit to comps property alarm sounding throughout but could not be heard on Albert Road due to the traffic noise but could be heard at the rear door of 116. Owner of post office said that they could hear it as well. Went into the post office and alarm could be heard at the post office counter. Advised I would contact the DPS

PROPERTY HISTORY

UPRN: 001775000954

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				FLAT
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