



# 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 Protection 3)

**Date Allocated:** 6 February 2023

**Target Completion Date:**

**Closing Action:**

**Date Closed:**

## PROCESS DETAILS

**Inspection Reference:** 230404000001

**Inspection Type:** Noise Request

**Date:** 07.02.2023

**Type:** Miscellaneous Activity

**Officer:** Stephen Cooke

<b>Date:</b>	<b>Action</b>	<b>Officer</b>	<b>Notes</b>
	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](http://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

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

### 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	23.03.2022	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 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

