



# 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

<b>Date:</b>	<b>Action</b>	<b>Officer</b>	<b>Notes</b>
	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>

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-reaving 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

02.07.2023	NME	Gary Keller	NME collected and saved under its Mustard.
22.06.2023	NME	Caroly n 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	From: postmaster@outlook.com <postmaster@outlook.com> Sent: Wednesday, June 7, 2023 12:40 PM To: Astill, Lorraine

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

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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

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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]

07.06.2023	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
07.06.2023	E-Mail	Lorraine Astill	<p>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</p> <p>Hi [REDACTED]</p> <p>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.</p>

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

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.

The following measurements were taken:

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.

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.

Recording 3 was taken in the bedroom with doors and windows closed. "Aint no stopping us now" was clearly audible.

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.</p> <p>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.</p> <p>Statutory nuisance in breach of nan</p> <p>I left the complainants property at 21:30 and the music from Its Mustard Ltd was still at the same level.</p>
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 &lt;[REDACTED]&gt;  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

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

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 █,

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 respond 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]

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Email added using EDRMS.

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

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	<p>From: Astill, Lorraine          Sent: 13 May 2023 11:47          To: 116 Albert road &lt;116albertroad@gmail.com&gt;          Subject: Breach of noise abatement notice 6th May 2023</p> <p>Dear Mr Stringer</p> <p>Please find attached correspondence notifying you of a further breach of the noise abatement notice served on Its Mustard Ltd.</p> <p>I am on leave but will be returning to the office on Tuesday 23rd May should you wish 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>
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>

06.05.2 023	E-Mail	Lorraine Astill	<p>From: [REDACTED]  Sent: 06 May 2023 20:20  To: Astill, Lorraine &lt;[REDACTED]&gt;  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,  [REDACTED]</p>
05.05.2 023	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>
04.05.2 023	E-Mail	Lorraine Astill	<p>email also saved to dms with attachments sent  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

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

Hi Lorraine

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 .

It was heard from inside our premises .

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.

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

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 &lt;[REDACTED]&gt; Sent: 28 April 2023 16:01 To: Astill, Lorraine &lt;[REDACTED]&gt; Cc: Maidment, Richard &lt;[REDACTED]&gt; 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 &amp; 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 &lt;cityhelpdesk@portsmouthcc.gov.uk&gt; Sent: 28 April 2023 15:57 To: Bell, Steve &lt;[REDACTED]&gt; 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 their query.</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](mailto:cityhelpdesk@portsmouthcc.gov.uk)  
W: [www.portsmouth.gov.uk](http://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](mailto:116albertroad@gmail.com)>  
Cc: City Help Desk <[cityhelpdesk@portsmouthcc.gov.uk](mailto: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 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.

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]

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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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and shouting from patrons  
 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

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]

26.04.2  
023

E-Mail

Lorraine  
Astill

25.04.2  
023

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  &lt;[REDACTED] Maidment, Richard  &lt;[REDACTED] Lee, Richard  &lt;[REDACTED]</p> <p>From: Astill, Lorraine  Sent: 25 April 2023 10:49  To: contact@itsmustard.co.uk; 116 Albert road  &lt;116albertroad@gmail.com&gt;  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

Friday and ended up visiting the civic. Said i would see what i could arrange and that i would call her back.

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.

She also mentioned that she had been in touch with Debbie in licensing who clarified that she was allowed to have music.

25.04.2  
023

Telephone  
call

Lorraine  
Astill

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

25.04.2  
023

E-Mail

Lorraine  
Astill

From: Astill, Lorraine  
Sent: 25 April 2023 12:48  
To: [REDACTED]  
Subject: FW: 23/00730/ENI - Noise from Its Mustard 116 Albert Road

Dear [REDACTED]

Thank you for your email.

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.

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.

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]

22.04.2  
023

E-Mail

Lorraine  
Astill

Email also saved to DMS with attachments  
From: [REDACTED]  
Sent: 22 April 2023 15:48

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/](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 requiring a 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](mailto:cityhelpdesk@portsmouthcc.gov.uk)

Nicola  
customer service officer

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](http://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 Service 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 &lt;[REDACTED]&gt; 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 listed. 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 Its Mustard. Music could be heard when entering the comps property. The comp lives [REDACTED] Its 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 he 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

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	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 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
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