

Please quote: WK/201006237
Your reference:
Date: 23rd August 2010
Please ask for: Mr S Lawson
Telephone direct: 01424 451079
E-mail: envprotection@hastings.gov.uk
Web: www.hastings.gov.uk/environmental_protection



Environmental Protection Team
4th Floor, Aquila House
Breeds Place, Hastings
East Sussex, TN34 3UY

Mr S Foot
London Trader
7 East Beach Street
Hastings
East Sussex

Dear Mr Foot,

ENVIRONMENTAL PROTECTION ACT 1990 – NOISE COMPLAINT
ADDRESS: London Trader, 7 East Beach Street, Hastings, East Sussex, TN34 3AR

I regret that I have to draw your attention to a complaint received by this section about noise from the above premises.

The complaint relates to amplified music noise on the evening of the 21st August 2010. The complainant reports that the music continued until 01.00hrs on the 22nd August 2010. Allegedly the windows of the London Trader were open, exacerbating the problem and disturbing residents living over 70m away.

No judgment has been made about the validity of the complaint. However, I must advise you that noise incidents as described would constitute a statutory nuisance resulting in a noise abatement notice being served on those responsible.

Incidents of this nature could also result in a review of your licence being requested by those affected or this section under the provisions of the Licensing Act 2003.

I hope that you will investigate this matter taking into consideration the premises licence conditions for the "prevention of public nuisance".

If you wish to discuss this matter further please do not hesitate to contact me.

Yours sincerely,

Mr S Lawson
Snr Environmental Protection Officer



Please quote: WK/201013003
Your reference:
Date: 17 February 2011
Please ask for: David Bell
Telephone direct: 01424 451079
E-mail: envprotection@hastings.gov.uk
Web: www.hastings.gov.uk/environmental_protection



Environmental Protection Team
4th Floor, Aquila House
Breeds Place, Hastings
East Sussex, TN34 3UY

Mr S Foot
London Trader
4-7 East Street
Hastings
East Sussex
TN34 3AR

Dear Mr Foot

ENVIRONMENTAL PROTECTION ACT 1990 – London Trader, 4-7 East Beach Street, Hastings

Further to the letter from my colleague, Mr Lawson, dated 23 August 2010, I regret that I have to draw your attention to the fact that further complaints have been received by this section about noise from the above premises.

The complaints relate to the volume at which music is played and the fact that doors and windows have also been open. It is also alleged that direct approaches about this have led to a response to the effect that music is permitted until 01:00 hours.

If this is indeed the case, and I have no reason, presently, to doubt the information provided, I must advise you that any repetition is likely to constitute a statutory nuisance and result in a noise abatement notice being served on you. The effect of such a notice would be to make any further incident of nuisance an offence punishable, on conviction in the Magistrates Court, by a fine of up to £20,000.

Incidents of this nature could also result in a review of your licence being requested by those affected or this section under the provisions of the Licensing Act 2003.

I hope that, with your co-operation, neither course of action will become necessary.

I would also point out that whilst your licence permits both live and recorded music at the premises there are time limits and conditions. I would draw your attention particularly to the condition **“Noise and music arising from the licensed premises shall be no more than barely audible, as perceived by an authorised officer of Hastings Borough Council, at the façade of any building containing residential premises at any time. For the avoidance of doubt noise shall include that arising from all mechanical or electrical equipment used by the premises and that noise arising from customers in the immediate vicinity of the premises”**.

If you wish to discuss this matter further please do not hesitate to contact me. If telephoning please call between 9.30am and 10.30am or between 3.00pm and 4.00pm.

Yours sincerely

David Bell
Principal EHO



INVESTOR IN PEOPLE

Please quote: London Trader
Your reference:
Date: 15 April 2011
Please ask for: David Bell
Telephone direct: 01424 451079
E-mail: dbell@hastings.gov.uk
Web: www.hastings.gov.uk/environmental_protection



Environmental Protection Team
Aquila House, Breeds Place
Hastings, East Sussex TN34 3UY

Mr Stephen Foot
The London Trader
4-7 East Beach Street
Hastings
East Sussex
TN34 3AR

Dear Mr Foot

**Environmental Protection Act 1990 / Licensing Act 2003
The London Trader, 4-7 East Beach Street, Hastings**

Further to my letter of 17 February, I have to advise that yet more complaints have been received about noise from the above premises.

Information received suggests that you have had no regard whatsoever to my previous letter or, indeed, to the conditions attached to your premises licence. This information clearly indicates that there have been persistent breaches of the conditions since my letter; particularly with regard to music volume and use of outside tables and seating.

You should be aware, following a recent review of the premises licence for another establishment, that the Licensing Sub-Committee takes a dim view of persistent breaches of licence conditions. If you are to avoid the possibility of similar action in respect of The London Trader, I suggest that you need, as a matter of urgency, to sit down with your staff, go through the terms of your licence in detail to ensure that you are all clear about these and put in place detailed measures to ensure compliance. I would ask that you confirm in writing by Wednesday 27 April that this has been done and, at the same time, advise me of the measures to be taken to ensure compliance with the licence conditions. If you are in any doubt about any of the requirements of your licence please contact me and I will be happy to arrange to meet you with a colleague from the Licensing Team.

We will be monitoring the premises and investigating any further complaints as they arise. If we find that nuisance is being caused and / or licence conditions are being breached then further action will be taken. I am asking Sussex Police and our Licensing Team, by copy of this letter to assist us in monitoring the premises.

I am also copying this letter to those people who have been in touch with us and advising them of their right to request a review of your premises licence. Whether they choose to take that step at this stage or wait to see if there is a positive outcome to this letter is a matter for them. If they choose to do so now they will have my full support as the information received clearly indicates that there has been a quite unacceptable impact on them over a considerable period of time.

I look forward to hearing about the steps you propose to deal with this matter as requested above.

Yours sincerely

David Bell
Principal Environmental Health Officer



INVESTOR IN PEOPLE

From: David Bell
Sent: 28 April 2011 15:28
To: 'm5fot@hotmail.co.uk'
Subject: London Trader
Mr Foot

I am not sure why you have had difficulty contacting me although the office was closed on Friday and yesterday. I have not been passed any message until your email today.

I will be available on Tuesday next week and can meet you at any time you wish. I will then be away until 23 May.

You should be aware that we received further complaints last weekend -

Friday 22nd at 23:24 hrs - loud music and people at outside tables (confirmed by a colleague);

Monday 25th at 00:14 hrs - loud music and people outside.

I find this extremely disappointing, to say the least and I trust that you will ensure there is no repetition this weekend.

Please advise what time you want to meet on Tuesday.

David Bell
Principal Environmental Health Officer
Environmental Protection
Hastings Borough Council
Aquila House, Breeds Place, Hastings, TN34 3UY
Tel: +44 (0)1424 451079 Fax: +44 (0)1424 451133
Email: dbell@hastings.gov.uk
WWW: http://hastings.gov.uk/environmental_protection

From: EnvProtection
Sent: 28 April 2011 14:51
To: David Bell
Subject: FW: For the attention of David Bell

From: steve foot [<mailto:m5fot@hotmail.co.uk>]
Sent: 28 April 2011 11:52
To: EnvProtection
Subject: For the attention of David Bell

Mr Bell

I have tried to contact you this week regarding your concerns for my premises The London Trader with out success.

If you could contact me via E mail when you might be free sometime next week so we can arrange a meeting.

Your sincerely

Mr S Foot

This e-mail has been scanned for all viruses by Star. The service is powered by MessageLabs. For more information on a proactive anti-virus service working around the clock, around the globe, visit: <http://www.star.net.uk>
