

Representation from Environmental Health (Pollution)

From: Steve Biggs

20 October 2020 16:36

To: licensing

Subject: Licensing Review - The Devonshire Bar and Lounge , 7 Devonshire Square , Bexhill TN40 1AB

Dear Sir/Madam

I refer to the application from Sussex Police to review the licence for the above premises. I note that the police are calling the review on breaches of two of the licensing objectives Public Safety and the Prevention of Crime .

I will limit my comments to a third objective – namely the prevention of public nuisance – and the areas of nuisance that environmental health (Pollution Team) are typically called upon to tackle. This relates primarily to noise from the premises which may impact on the occupiers of neighbouring properties.

There have been two types of regular noise complaint received about the Devonshire since 2015. These being from amplified music and voice being played in the premises and secondly the noise from the behaviour of customers using the outside areas and congregating in Devonshire Square. Primarily arising from shouting and swearing, smashing of glasses, and general anti-social behaviour.

The amplified music impacted directly on the occupiers of the flats above the bar. Most of the street noise complaints have arisen from residents living in flats surrounding Devonshire Square and the northern end of Devonshire Road.

Since March 2015 the Pollution team has received 15 complaints from local residents about noise, the majority of these to September 2019 relating to amplified music and voice from within the premises impacting upon the occupiers of the upper flats. Since the easing of lockdown in early July 2020 all complaints have related to the behaviour of customers outside of the premises through general anti social behaviour. I outline below the noise history and actions taken by Environmental Health Officers since 1 March 2015 throughout which the same management have been responsible.

WK 201409763 Received 11th March 2015 – via Sussex Police – Amplified music / bass frequencies disturbing occupier of flat over the bar until at least 02:00 hrs every Friday and Saturday . Customers also prone to bang on their door and wake occupiers up when leaving at closing time

Following a number of monitoring visits, protracted discussions with the owner and management of the bar and the use of noise nuisance recording equipment evidence was obtained of a statutory noise nuisance. Noise abatement notices were served on the Kapllani brothers and their management company Arthurk Ltd on 3rd June 2016 under S 80 of the Environmental Protection Act 1990 and required the nuisance to be abated.

As a result a noise action plan was agreed on 18th August 2016 and a noise limiting device was set at a level by environmental health officers which was aimed at preventing the amplified music noise from the bar from impacting on the residents of the flats over. There were subsequent occasions when it was alleged that the noise levels started to rise again and a final reset of the noise limiter was made with a 12 dB reduction by officers on 28th February 2017. Case was closed after further installation of the noise nuisance recording equipment in April 2017 provided no further evidence of a music noise problem.

WK201502167 - Received 27th April 2015 – from a resident of Devonshire Square related to doors being left wide open contrary to the licence conditions and amplified music disturbing them. A petition was also submitted from aggrieved residents. This complaint was investigated along with WK 201409763 above.

WK 201613996 – Received 9th January 2017 received form residents of the flats over the bar relating to late night amplified music noise . An evening visit was again made on 27th January 2017 by an Environmental Health Officer to witness the music noise levels. They were still perceived as a problem so the sound limiter was scheduled for a reset on 28th February 2017 (see WK 201409763 above). By 30th March 2017 complainant was of the opinion that the noise levels were starting to creep up again so a prosecution was considered for non-compliance with the earlier noise abatement notice. However further monitoring using noise nuisance recorder in a residents flat was undertaken but this did not provide sufficient evidence to support prosecution. Case closed on 25th April 2017

WK 201709947 – Received 30th October 2017 from occupier of one of the flats above The Devonshire related to amplified music until the early hours, customers shouting and brawling, taxis refusing to take away intoxicated customers. These aspects reported to the Police by the complainant.

WK 201711827 - Received 11th December 2017 from an occupier of one of the flats over. Amplified music continuing to be a problem from about 21.30 hrs until after midnight. Residents are being prevented from sleeping. The management blamed a new DJ who was trying to find the “levels” . The owner and management were reminded the noise abatement notices were still in place. A subsequent Community Protection Warning (a prerequisite of the service of a Community Protection Notice under S 43 of the Anti Social Behaviour Crime and Policing Act 2014) was served on all parties controlling the Devonshire Bar on 26th February 2018 . The warning required that any noise from regulated entertainment was not to be audible in any residential premises. The sound limiter in the bar was again reset by environmental health officers on 7th March 2018 . A further complaint about music noise was then received on 10th April 2018. See next case.

WK 201801632 – Received 10th April 2018 from an occupier of a flat above the bar. Complainant was of the opinion that following the recent resetting of the sound limiting device the music noise issues were becoming a problem again. Further complaints received from two separate complainants alleging that Saturday 11th April 2018 was particularly bad. Formal warning letters were sent to the management and owner on the 18th April 2018. There were no further incidents witnessed to the 1st June 2018 so the case was closed.

WK 201808938 – Complaints from two households about failure of door staff to control behaviour of customers outside the bar. Received 28th September 2018 . Noise from intoxicated customers who were standing outside nearby shops drinking from pint glasses and definitely associated with the Devonshire according to complainants . No attempt to control the customers by the door staff. Another meeting held on 16th October 2018 with Artuk Kapllani and a second Action plan was agreed regarding control of noise from amplified music and customers outside the premises. No further complaints received by January 2019 so case closed.

WK 201907220 – Received 6th September 2019 from an occupier of one of the flats above the bar . Complaint related to noise from amplified music, people shouting and screaming and also fighting outside the bar. On the 11th September 2019 officers were advised that the premises was no longer having DJs as the sound levels on the limiter had been so drastically reduced that it was not worth providing any entertainment. Two further noise patrol visits were undertaken to 11th October 2019 by officers in an attempt to witness the problem. The complaint was subsequently closed.

WK 202005410 – Received 19th July 2020

GLP201113 – Devonshire Bar and Lounge

WK 202005758 – Received 26th July 2020

WK 202007308 – Received 26th August 2020

WK 202007650 – Received 5th September 2020

WK 202007651 – Received 5th September 2020

WK 202007919 – Received 13th September 2020

The above 6 complaints had been received since the easing of lockdown in early July 2020. They all relate variously to shouting, swearing and screaming from customers outside, fighting and general anti-social behaviour, threats of violence and altercations, noise from customers leaving, allegations of out of hours opening, intoxicated customers hanging around after closing time, smashing of bottles or glasses and general intimidatory behaviour.

The complaints have been made by residents in Devonshire Square and Devonshire Road. Following consultation with Safer Community Partnership colleagues these cases were all referred to Sussex Police for information and action since these behaviours would fall outside of the environmental health remit .

Comment and Conclusions

For over five years environmental health officers from the RDC pollution team have spent countless hours investigating and attempting to resolve issues arising from noise and nuisance and more recently anti-social behaviour associated with the Devonshire.

This has resulted in the service of statutory notices and warnings under the Environmental Protection Act 1990 and the 2014 Anti-Social Behaviour Crime and Policing Act on the owner and managers of the bar. The night time noise patrol has made 17 evening visits to the premises in order to attempt to witness the problems – this number has been increasing with only 2 in 2015 and this year 7 to 13th September.

Officers have monitored noise levels in the affected residential properties on numerous occasions , have reset the sound limiter at the Devonshire on at least three occasions and prepared and agreed two action plans with the premises management. Despite this there still appears to be a complete disregard for local residents and for officers who have attempted to bring the matter to a satisfactory conclusion for all parties.

This has placed a heavy burden on the councils resources and caused alarm and distress and disturbance to people living nearby. The problem appears to be that there has been a continued and ongoing failure by the licence holders to provide effective and responsible management of staff, door staff and customers leading to a dramatic increase in complaints again this summer.

In view of the past history i would therefore agree that restrictions on the hours of opening, changes to the day to day management of the premises and a limitation on the hours of regulated entertainment are considered as part of this review .

See attached action plans for 2016 and 2018

Please Note To Follow – copies of statutory notices and warning letters

Regards

Steve Biggs

Senior Environmental Health Officer

Environmental Health Service for Rother and Wealden Councils

Action Plan – October 2018 – Devonshire Lounge Bar, Bexhill On Sea, East Sussex

Issues

- (1) Loud amplified music; predominantly the bass.
- (2) Noise from patrons outside the premises.

Suggested Actions

- (1) Noise level set by agreement with EHO and residents. Noise limiter to be sealed and agreed levels not to be exceeded.

Note - licence conditions:

The noise from regulated entertainment should not be audible inside noise sensitive properties between 23:00 and 07:00.

All doors and windows shall be kept closed, except for the immediate access and egress of the public and staff, whilst regulated entertainment is in progress and adequate mechanical ventilation shall be provided. All entrance doors shall be fitted with self-closers for this purpose.

Note - Prevention of nuisance:

The statutory abatement notice requires measures to prevent noise nuisance from amplified music at any time.

- (2) Door supervisors to control patrons outside the premises. The number of patrons outside the premises after 11pm shall be restricted to TEN. Patrons to be encouraged to go back into the premises when they have finished smoking/drinking.

A dispersal policy should be in place. This policy should clearly set out measures to avoid a mass exit at the end of the evening such as a gradual change in music style and increasing lighting levels. Sufficient staff should be available at the end of the evening to manage a controlled shut down of the premises and maintain good order as customers leave.

The outside smoking platform not to be used after 23.00 hrs

External tables and chairs to made unavailable for use after 23.00 hrs.

Note licence conditions:

Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

The consumption of drinks and food outside shall be restricted to (a) between 10:00 and 23:00 and (b) to two metres measured from the wall of the building in Devonshire Square.

Letter to S Kapllani dated 18/04/2018

OUR REF: WK/201801632
ASK FOR: Greg Minns 01424 787560
DATE: 18 April 2018
YOUR REF:

Environmental Health - a shared service for:



Mr S Kapllani



Richard Parker-Harding
Head of Environmental Health

Dear Mr S Kapllani,

**Environmental Protection Act 1990
Anti-Social Behaviour Crime and Policing Act 2014**

**The Devonshire Bar and Lounge, The Devonshire, Devonshire Square, Bexhill,
East Sussex, TN40 1AB**

Since setting the limiter in the Devonshire Bar, on Wednesday 7th March 2018, we have now received a further complaint about the night of 7th April 2018. It is alleged that after several weeks of quiet, music noise from the Devonshire was audible in every room of the complainants flat. Additionally, music noise was then heard the following weekend, including in the bedroom. The complainants feel that it is beginning to 'creep up' again.

Please note that this complaint has not been confirmed. However, please ensure that the limiter is consistently being used and the noise is fully managed. Having briefly looked at the history of complaints relating to the Devonshire, I can confirm that over the past two years, Environmental Health have: spent a minimum of 62 hours working on such complaints; have served several notices and warnings; reset the limiter at least twice and have responded to at least 3 separate sets of complainants about music noise from the bar.

Therefore I urge you to ensure the music noise is tightly controlled. The Council is not obliged to help you with the re-setting of the limiter again. We shall respond to complaints and undertake out of hours visits when required. Please be mindful that the Abatement Notice is still in force and several Community Protection Warnings were recently served. Therefore, if music noise is not controlled, you run the risk of further formal action. This might include the issuing of a Community Protection Notice and/or Prosecution for a breach of the Abatement Notice.

Environmental Health, Town Hall, Bexhill-on-Sea, East Sussex TN39 3JX

T 01424 787550 F 01424 787547 E envhealth@rother.gov.uk W www.rother.gov.uk W www.wealden.gov.uk



Additionally, if a breach of the Abatement Notice is witnessed, or the need to progress to a Community Protection Notice is determined, you run the risk that the premises licence will be reviewed. Further problems about music noise would provide additional proof that the Devonshire cannot be operated under its current licence conditions without causing a Public Nuisance. It may then be concluded that additional controls for noise may be needed. If ever the licence was taken to review, the Councillors hearing the case may decide that to prevent a Public Nuisance, the operating hours should be reduced and the ability to play recorded or live music should be removed.

I hope that this matter can be resolved without the need for any further intervention. If you have any queries or wish to discuss this matter then please contact me on 01424 787560 or email me at greg.minns@rother.gov.uk.

Yours sincerely,

A rectangular box with a thick black border, used to redact the signature of Greg Minns.

Greg Minns
Senior Environmental Health Officer

CC: Licensing, Rother District Council, Bexhill-on-Sea

CC: F.Forte Developments Ltd, Premises Licence Holder

Community Protection Warnings 26th February 2018

Ref :WK/201714414

Environmental Health - a shared service for:



COMMUNITY PROTECTION WARNING ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014 – Section 43

To: Sokol Kapllani

Of :

Rother District Council ('the council'), is satisfied that your conduct is having a detrimental effect on the quality of life of those in the locality and that this conduct is unreasonable at:

The Devonshire Bar, Devonshire Road, Bexhill on Sea, TN40 1AB

The conduct having this effect is: **allowing noise from regulated entertainment to be audible in residential premises**

This is a written warning regarding this conduct and to notify you that, if it persists, the Council will issue you with a Community Protection Notice.

Failing to comply with a Community Protection Notice is an offence under Section 48 of the Anti-social Behaviour, Crime and Policing Act 2014, for which you could be prosecuted. Other action could also be taken to enforce the notice. To avoid this being necessary it is your responsibility to ensure that any conduct causing the detrimental effect is ceased.

In order to achieve this you should:

Ensure that noise from regulated entertainment is not audible in residential premises.

Signed:

Senior Environmental Health Officer

Date: 26th February 2018

Contact : 01424 787560 / greg.minns@rother.gov.uk

Rother District Council, Town Hall, London Road, Bexhill TN39 3JX

OUR REF: WK/201714414
ASK FOR: GREG MINNS
Tel: 01424 787560
Email: greg.minns@rother.gov.uk
DATE: 26th February 2018

Environmental Health - a shared service for:



Mr Sokol Kapllani



Richard Parker-Harding
Head of Environmental Health

Dear Mr Kapllani,

Anti-social Behaviour, Crime and Policing Act 2014

Re: complaints about amplified music from the Devonshire Bar, Devonshire Rd, Bexhill on Sea, TN40 1AB.

Unfortunately, complaints have continued to be made to Environmental Health about noise from amplified music, arising from the premises above, causing a nuisance to local residents.

Therefore please find enclosed a written warning requiring you as one of the persons responsible for controlling this noise to:

Ensure that noise from regulated entertainment is not audible in residential premises.

Please note that failure to comply with the enclosed written warning may result in service of a notice under the above legislation. The noise complaint will also continue to be investigated under the Environmental Protection Act 1990, following service of a Section 80 Abatement Notice for the abatement of a Statutory Nuisance caused by noise from amplified music.

Yours sincerely,



Greg Minns
Senior Environmental Health Officer

Environmental Health, Town Hall, Bexhill-on-Sea, East Sussex TN39 3JX

T 01424 787550 F 01424 787547 E envhealth@rother.gov.uk W www.rother.gov.uk W www.wealden.gov.uk



Ref :WK/201714414

Environmental Health - a shared service for:



**COMMUNITY PROTECTION WARNING
ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014 – Section 43**

To: **Arthur Kapilani**

Of : **The Devonshire Bar, Devonshire Road, Bexhill on Sea, TN40 1AB**

Rother District Council ('the council'), is satisfied that your conduct is having a detrimental effect on the quality of life of those in the locality and that this conduct is unreasonable at:

The Devonshire Bar, Devonshire Road, Bexhill on Sea, TN40 1AB

The conduct having this effect is: **allowing noise from regulated entertainment to be audible in residential premises**

This is a written warning regarding this conduct and to notify you that, if it persists, the Council will issue you with a Community Protection Notice.

Failing to comply with a Community Protection Notice is an offence under Section 48 of the Anti-social Behaviour, Crime and Policing Act 2014, for which you could be prosecuted. Other action could also be taken to enforce the notice. To avoid this being necessary it is your responsibility to ensure that any conduct causing the detrimental effect is ceased.

In order to achieve this you should:

Ensure that noise from regulated entertainment is not audible in residential premises.

Signed  **Senior Environmental Health Officer**

Date: **26th February 2018**

Contact : 01424 787560 / greg.minns@rother.gov.uk

Rother District Council, Town Hall, London Road, Bexhill TN39 3JX



OUR REF: WK/201714414
ASK FOR: GREG MINNS
Tel: 01424 787560
Email: greg.minns@rother.gov.uk
DATE: 26th February 2018

Environmental Health - a shared service for:



Mr Arthur Kapllani
The Devonshire Bar,
Devonshire Road,
Bexhill on Sea
TN40 1AB

Richard Parker-Harding
Head of Environmental Health

Dear Mr Kapllani,

Anti-social Behaviour, Crime and Policing Act 2014

Re: Complaints about amplified music from the Devonshire Bar, Devonshire Rd, Bexhill on Sea, TN40 1AB.

Unfortunately, complaints have continued to be made to Environmental Health about noise from amplified music, arising from the premises above, causing a nuisance to local residents.

Therefore please find enclosed a written warning requiring you as one of the persons responsible for controlling this noise to:

Ensure that noise from regulated entertainment is not audible in residential premises.

Please note that failure to comply with the enclosed written warning may result in service of a notice under the above legislation. The noise complaint will continue to be investigated under Statutory Nuisance legislation.

For information, I enclose a copy of the licence which outlines a condition that noise arising from regulated entertainment shall not be audible within any residential premises. I also enclose copies of the S80 Abatement Notice that was served for noise from amplified music.

Yours sincerely,

A rectangular box with a thick black border, used to redact the signature of Greg Minns.

Greg Minns
Senior Environmental Health Officer

Ref :WK/201714414

Environmental Health - a shared service for:



**COMMUNITY PROTECTION WARNING
ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014 – Section 43**

To: **Company Secretary**

Of : **Arthurk Ltd, The Devonshire Bar, Devonshire Road, Bexhill on Sea, TN40 1AB**

Rother District Council ('the council'), is satisfied that your conduct is having a detrimental effect on the quality of life of those in the locality and that this conduct is unreasonable at:

The Devonshire Bar, Devonshire Road, Bexhill on Sea, TN40 1AB


The conduct having this effect is: **allowing noise from regulated entertainment to be audible in residential premises**

This is a written warning regarding this conduct and to notify you that, if it persists, the Council will issue you with a Community Protection Notice.

Failing to comply with a Community Protection Notice is an offence under Section 48 of the Anti-social Behaviour, Crime and Policing Act 2014, for which you could be prosecuted. Other action could also be taken to enforce the notice. To avoid this being necessary it is your responsibility to ensure that any conduct causing the detrimental effect is ceased.

In order to achieve this you should:

Ensure that noise from regulated entertainment is not audible in residential premises.

Signed  **Senior Environmental Health Officer**

Date: **26th February 2018**

Contact : 01424 787560 / greg.minns@rother.gov.uk

Rother District Council, Town Hall, London Road, Bexhill TN39 3JX

OUR REF: WK/201714414
ASK FOR: GREG MINNS
Tel: 01424 787560
Email: greg.minns@rother.gov.uk
DATE: 26th February 2018

Environmental Health - a shared service for:



Company Secretary
Arthurk Ltd
The Devonshire Bar,
Devonshire Road,
Bexhill on Sea
TN40 1AB

Richard Parker-Harding
Head of Environmental Health

Dear Sir/Madam,

Anti-social Behaviour, Crime and Policing Act 2014

Re: Complaints about amplified music from the Devonshire Bar, Devonshire Rd, Bexhill on Sea, TN40 1AB.

Unfortunately, complaints have continued to be made to Environmental Health about amplified music from the premises causing a nuisance to local residents.

Therefore please find enclosed a written warning requiring you as one of the persons responsible for controlling this noise to:

Ensure that noise from regulated entertainment is not audible in residential premises.

Please note that failure to comply with the enclosed written warning may result in service of a notice under the above legislation. The noise complaint will also continue to be investigated under Statutory Nuisance legislation.

For information, I enclose a copy of the licence which outlines a condition that noise arising from regulated entertainment shall not be audible within any residential premises. I also enclose copies of the S80 Abatement Notice that was served for noise from amplified music.

Yours sincerely



Greg Minns
Senior Environmental Health Officer

Letter to A Kapllani dated 01/10/2017

OUR REF: WK/201409763
ASK FOR: **Greg Minns 01424 787560**
DATE: 10th January 2017
YOUR REF:

Mr A Kapllani
The Devonshire Bar and Lounge
The Devonshire
Devonshire Square
Bexhill
East Sussex

Richard Parker-Harding
Head of Environmental Health

Dear Mr Kapllani,

Environmental Protection Act 1990
The Devonshire Bar and Lounge, The Devonshire, Devonshire Square, Bexhill, East Sussex, TN40 1AB

First, I'd like to thank you and your dj for meeting with my colleague Marion Lowther and I on 21st December 2016.

As discussed, I wanted to confirm in writing that we have recently been receiving noise complaints about loud music (bass) coming from The Devonshire. These complaints were made before Christmas and I can confirm that after talking to the complainants, they state they experienced loud noise during the Christmas Holidays too.

As you are aware, our checks on the 21st December 2016 didn't reveal that the music played by your dj, when set with the limiter, caused a problem in the complainants' flat. Therefore it is confusing as to why we are still receiving complaints.

Consequently and as discussed I am writing to let you know that we shall be undertaking some unannounced checks at the complainant's premises over the next few months. If bass is heard, then I shall ask the officers to go to the bar in order to understand what is occurring and what the noise levels are like.

However, I must make you aware that should any site visits reveal a breach of the Abatement Notice that was served to prevent amplified music from disturbing neighbours, then depending on the reasons as to why such a breach occurs, the Council may consider undertaking a prosecution for such a breach.

If you have any queries then please contact me on 01424 787560 or email greg.minns@rother.gov.uk

Yours faithfully,

Greg Minns
Senior Environmental Health Officer

Letter to Artur Kapllani dated 19/12/2016

OUR REF: WK/201409763
ASK FOR: **Greg Minns 01424 787560**
DATE: 19th December 2016
YOUR REF:

Mr Arthur Kapllani
The Devonshire Bar and Lounge
The Devonshire
Devonshire Square
Bexhill
East Sussex

Richard Parker-Harding
Head of Environmental Health

Dear Mr Kapllani,

Environmental Protection Act 1990
The Devonshire Bar and Lounge, The Devonshire, Devonshire Square, Bexhill, East Sussex, TN40 1AB

As discussed, I wanted to confirm in writing that we have recently received since my previous letter on (date) relating to an alleged nuisance from, I have now received further complaints. It would appear that any steps you have taken to resolve the matter have not been successful.

While the validity of the complaint has not been assessed, I would ask you once again to consider whether you are disturbing others in the vicinity and to take any necessary corrective action.

If I receive further complaints the law requires me to investigate. This investigation may include the use of monitoring equipment, visits to the neighbourhood, and an examination of any written records of incidents kept by people affected.

Should investigations reveal a statutory nuisance the Council is required to serve an Abatement Notice on the person responsible. Any contravention of the Abatement Notice would be an offence. Any person who commits an offence is liable on conviction to a fine not exceeding £5000, together with further fines of up to £500 for each day the offence continues after conviction.

If investigations reveal there is no statutory nuisance, the complainant will be advised of this and the Council will take no further action.

I hope this matter can be resolved without the need for any further intervention. If you have any queries please contact me on 01424 787560 or email greg.minns@rother.gov.uk

Yours faithfully,

August 2016 Action Plan

Licensing Act 2003 - Action Plan – Devonshire Lounge Bar, Devonshire Road, Bexhill On Sea

Issues

- (1) Loud amplified music; predominantly the bass.
- (2) Noise from patrons outside the premises.
- (3) Odour and noise from the extraction unit.
- (4) Noise from air conditioning units

Suggested Actions

- (1) Noise level to be set by agreement with EHO and residents. Noise limiter to be sealed and agreed levels not to be exceeded. Any alterations to system to be carried out under supervision of Showtek and approved by EHO

Note - licence conditions:

The noise from regulated entertainment should not be audible inside noise sensitive properties between 23:00 and 07:00.

All doors and windows shall be kept closed, except for the immediate access and egress of the public and staff, whilst regulated entertainment is in progress and adequate mechanical ventilation shall be provided. All entrance doors shall be fitted with self-closers for this purpose.

Note - Prevention of nuisance:

The statutory abatement notice requires measures to prevent noise nuisance from amplified music at any time.

- (2) Door supervisors control patrons outside the premises. Patrons to be encouraged to go back into the premises when they have finished smoking/drinking.

Bar staff to be available to make taxi bookings.

A dispersal policy should be in place. This policy should clearly set out measures to avoid a mass exit at the end of the evening such as a gradual change in music style and increasing lighting levels. Sufficient staff should be available at the end of the evening to manage a controlled shut down of the premises and maintain good order as customers leave.

It may be appropriate to enter discussion with a taxi provider to ensure sufficient taxis are available at peak times to prevent the need for customer to wait outside the premises for excessive periods whilst taxis arrive. Reminders/announcements to be issued to customers to book cabs well before closing time.

The outside smoking platform not to be used after 23.00 hrs

S80 Noise Abatement Notices dated 03/06/2016

WITHDRAWN

Reference Number: WK/201409763

Environmental Health - a shared service for:



Rother District Council

Environmental Protection Act 1990, Section 80

Abatement Notice in Respect of Statutory Nuisance

To: Mr Gino Forte

Address:



Take notice that, under the provisions of the above-mentioned legislation, Rother District Council 'the council', being satisfied of the existence and likely recurrence of a statutory nuisance within the area of the council under Section 79(1) (g) of the act from:

The Devonshire Bar, Devonshire Road, Bexhill on Sea.

arising from noise from amplified music

As one of the persons responsible for the premises, the council requires you

Forthwith

from the service of this notice to abate the same and also prohibits the recurrence of the same.

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

If, without reasonable excuse, you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under Section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale together with a further fine of an amount equal to one-tenth of the greater of £5000 or level 4 on the standard scale for each day on which the offence continues after

Reference Number: WK/201409763

conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine. The council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the council may execute the works and recover from you the necessary expenditure incurred.

You may appeal against the notice to a Magistrates' Court within 21 days beginning with the date of service of the notice. See the notes for information on appeals.

Signature:

A large rectangular box with a thick black border, used to redact the signature of Paul Unsworth.

Name in capitals: PAUL UNSWORTH

Designation: Environmental Health Officer

Date: 3rd June 2016

Contact address:
Rother District Council
Town Hall
Bexhill on Sea
East Sussex
TN39 3JX

Email: pollution@rother.gov.uk
Telephone: 01424 787550



Rother District Council

Environmental Protection Act 1990, Section 80

Abatement Notice in Respect of Statutory Nuisance

To: Mr Arthur Kapllani

Address: The Devonshire Bar, Devonshire Road, Bexhill on Sea, TN40 1AB]

Take notice that, under the provisions of the above-mentioned legislation, Rother District Council 'the council', being satisfied of the existence and likely recurrence of a statutory nuisance within the area of the council under Section 79(1)(g) of the act from: The Devonshire bar, Devonshire Road, Bexhill on Sea TN40 1AB

arising from

Noise from amplified music

As one of the person(s) responsible for the said nuisance, the council requires you

Forthwith

from the service of this notice to abate the same and also prohibits the recurrence of the same.

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

If, without reasonable excuse, you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under Section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale together with a

Reference Number: WK/201409763

further fine of an amount equal to one-tenth of the greater of £5000 or level 4 on the standard scale for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine. The council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the council may execute the works and recover from you the necessary expenditure incurred.

You may appeal against the notice to a Magistrates' Court within 21 days beginning with the date of service of the notice. See the notes for information on appeals.

Signature:

A rectangular box with a thick black border, used to redact the signature of Paul Unsworth.

Name in capitals: PAUL UNSWORTH

Designation: Environmental Health Officer

Date: 3rd June 2016

Contact address:
Rother District Council
Town Hall
Bexhill on Sea
East Sussex
TN39 3JX

Email: pollution@rother.gov.uk
Telephone: 01424 787550



Rother District Council

Environmental Protection Act 1990, Section 80

Abatement Notice in Respect of Statutory Nuisance

To: The Secretary, Arthurk Ltd

Address: The Devonshire Bar, Devonshire Road, Bexhill on Sea, TN40 1AB

Take notice that, under the provisions of the above-mentioned legislation, Rother District Council 'the council', being satisfied of the existence and likely recurrence of a statutory nuisance within the area of the council under Section 79(1)(g) of the act from: The Devonshire Bar, Devonshire Road, Bexhill on Sea TN40 1AB

arising from

Noise from amplified music

As one of the person(s) responsible for the said nuisance and the occupier of the premises, the council requires you

Forthwith

from the service of this notice to abate the same and also prohibits the recurrence of the same.

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

If, without reasonable excuse, you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under Section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale together with a further fine of an amount equal to one-tenth of the greater of £5000 or level 4

Reference Number WK/201409763

on the standard scale for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine. The council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the council may execute the works and recover from you the necessary expenditure incurred.

You may appeal against the notice to a Magistrates' Court within 21 days beginning with the date of service of the notice. See the notes for information on appeals.

Signature

A rectangular box with a thick black border, used to redact the signature of the Environmental Health Officer.

Name in capitals: PAUL UNSWORTH

Designation: Environmental Health Officer

Date: 3rd June 2016

Contact address:
Rother District Council
Town Hall
Bexhill on Sea
East Sussex
TN39 3JX

Email: pollution@rother.gov.uk
Telephone: 01424 787550

Letter to Devonshire Bar & Lounge dated 10/02/2016

OUR REF: WK/201409763
ASK FOR: **Wai Lau 01424 787574**
DATE: 10th February 2016
YOUR REF:

The Devonshire Bar and Lounge
The Devonshire
Devonshire Square
Bexhill
East Sussex

Richard Parker-Harding
Head of Environmental Health

Dear Sir or Madam,

Environmental Protection Act 1990
The Devonshire Bar and Lounge, The Devonshire, Devonshire Square, Bexhill, East Sussex, TN40 1AB

Since my previous letter on (date) relating to an alleged nuisance from, I have now received further complaints. It would appear that any steps you have taken to resolve the matter have not been successful.

While the validity of the complaint has not been assessed, I would ask you once again to consider whether you are disturbing others in the vicinity and to take any necessary corrective action.

If I receive further complaints the law requires me to investigate. This investigation may include the use of monitoring equipment, visits to the neighbourhood, and an examination of any written records of incidents kept by people affected.

Should investigations reveal a statutory nuisance the Council is required to serve an Abatement Notice on the person responsible. Any contravention of the Abatement Notice would be an offence. Any person who commits an offence is liable on conviction to a fine not exceeding £5000, together with further fines of up to £500 for each day the offence continues after conviction.

If investigations reveal there is no statutory nuisance, the complainant will be advised of this and the Council will take no further action.

I hope this matter can be resolved without the need for any further intervention. If you have any queries please contact me on 01424 787550 or email pollution@rother.gov.uk

Yours faithfully,

Letter to G Forte dated 31/03/2015

OUR REF: 210409763
ASK FOR: Mr S Mills 01424 787560
DATE: 31 March 2015
YOUR REF:

Environmental Health - a shared service for:



Gino Forte



Dear Mr Forte,

ENVIRONMENTAL PROTECTION ACT 1990 / LICENSING ACT 2003 Complaint of noise disturbance

I have recently received a complaint about an alleged statutory noise nuisance caused by the banging of doors (external fire doors) and loud amplified bass notes from amplified music on This allegation has not been substantiated and I accept that you may not be aware of the problem.

I would like to take this opportunity of drawing your attention to the allegation and advising you of the obligations on us all not to cause nuisance to our neighbours.

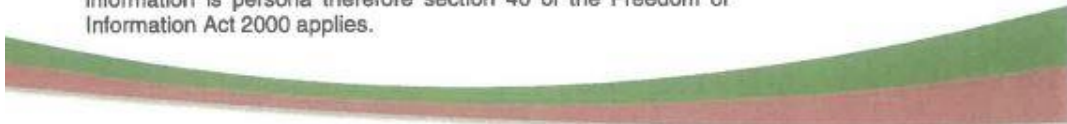
Your attention is drawn to the conditions attached to your premises license in respect of noise control / hours of operation. Paragraphs 6 and 7 are to annexe 3 are relevant. Please ensure that these license conditions are complied with. You should be aware that a local resident can apply to review your licence.

Council Officers also have powers to issued fixed penalty notices of £500 if noise from licensed premises above the permitted level exists in residential dwellings and the power to close noisy premises for up to 24 hours (Noise Act 1996 & Anti-Social Behaviour Act 2003).

I have asked the complainant to keep a written record of any future problems in order that we can assess the degree of severity of the alleged nuisance. The Council may also carry out observations or surveillance of your premises.

However, I hope that by drawing the matter to your attention at this early stage the need for any further involvement by this Council can be avoided.

Under the Local Government (Access to Information) Act 1972, Schedule 12A, the Council is not able to divulge the identity of complainant(s). The information is persona therefore section 40 of the Freedom of Information Act 2000 applies.



Environmental Health, Town Hall, Bexhill-on-Sea, East Sussex TN39 3JX
T 01424 787550 F 01424 787547 E envhealth@rother.gov.uk W www.rother.gov.uk



Please do not hesitate to contact this Department if you wish to discuss the matter in more detail.

Yours sincerely,

A rectangular box with a thick black border, used to redact the signature of Mr S Mills.

Mr S Mills
Senior Environmental Health Officer
Pollution Control Team
Rother and Wealden Environmental Health Service