Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I Nicholas Chapman
(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Ye Old Crown 74- 76 High Street Edenbridge	
Post town Edenbridge	**Post code (if known)** TN8 5AR

Name of premises licence holder or club holding club premises certificate (if known) Mr Michael Edward De Gouveia

Number of premises licence or club premises certificate (if known 10/01453/LAPRE

Part 2 - Applicant details

I am

	Please tick yes
1) an interested party (please complete (A) or (B) below)	
a) a person living in the vicinity of the premises	☐
b) a body representing persons living in the vicinity of the premises	☐
c) a person involved in business in the vicinity of the premises	☐
d) a body representing persons involved in business in the vicinity of the premises	☐
2) a responsible authority (please complete (C) below)	☒

3) a member of the club to which this application relates (please complete (A) below) ☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title (for example, Rev)

Surname | **First names**

I am 18 years old or over **Please tick yes** ☐

Current postal address if different from premises address

Post town **Post Code**

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Dartford and Sevenoaks Environmental Health Partnership Civic Centre Home Gardens Dartford Kent DA1 1DR
Telephone number (if any) 01322 343160
E-mail address (optional) nick.chapman@dartford.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

1) the prevention of crime and disorder ☐
2) public safety ☐
3) the prevention of public nuisance ☒
4) the protection of children from harm ☐

Please state the ground(s) for review (please read guidance note 1)

In 2013 the Environmental Protection team received 12 seperate complaints regarding amplified live and recorded music at Ye Old Crown, 74-76 High Street, Edenbridge. In addition noise nuisance recordings were obtained of several other events not individually reported.

Evidence (recordings and officer visits) has been obtained which suggests that the complaints received by the Council are justified and that there is a clear noise impact at nearby residential properties (approximately 40m from Ye Old Crown) when amplified music events are taking place.

It is often the case that the words of songs are audible in the bedrooms of residential properties late at night (with windows open) and bass noise detectable with windows open or closed. In addition, the noise from customers shouting, cheering and occasionally singing is apparent.

A statutory nuisance has been established and in March 2013 a Noise Abatement Notice was served under s79/80 of the Environmental Protection Act 1990 on Michael De Gouviea (the premises license holder). This notice advised that the District Council considered that a statutory noise nuisance was occuring and that further incidents of noise may constitute a prosecutable offence.

Despite several letters and emails to Mr and Mrs De Gouviea complaints have continued to be received by the Environmental Health Team.

Further monitoring has established that significant noise disturbances continue and therefore the Abatment Notice is being breached. Suitable evidence has been

obtained to proceed to a prosecution.

With consideration to the above information, I consider that the licensing objective of 'Prevention of Public Nuisance' is therefore not being met.

It is my considered opinion that the following conditions should be added to the existing premises licence:

1) All doors and windows shall be kept closed except for access and egress during performances of live or recorded music.

2) The hours of live and recorded music be restricted (indoors) every day 10:00 to 23:00.

3) The condition permitting use of the garden area for live and recorded music to be removed

4) Details of a suitable noise limiting device shall be submitted to Sevenoaks District Council's Environmental Health Team (hereafter "the Council"). Upon approval by the Council, the noise limiter shall be installed and maintained in such a manner as to control all sources of amplified music at the premises. No regulated entertainment shall occur until after the noise limiter has been set at a level agreed with the Council. This level may be varied at any time if deemed necessary by the Council.

Please provide as much information as possible to support the application (please read guidance note 2)

History of complaints and actions:

15/12/2012 at 23:11- Out of hours complaint about loud music from premises

21/12/2012- I contacted complainant who advised that she and her family are regularly disturbed by amplified music, most Friday and Saturday nights. The complainant advised that music generally finishes at 00:00 but has on occasion continued until 01:00.

11/01/2013- Initial standard letters sent to Premises Licence Holder of pub (apendix 1) and diary sheets and letter sent to complainant (appendix 2)

12/01/2013 at 23:08- Complaint received out of hours regarding amplified music from Ye Old Crown.

14/01/2013- Call received from Mr De Gouviea. Details of the complaint were discussed but Mr De Gouviea does not consider that there is a noise problem. He is aware of complaints but these are from some distance away and therefore he considers that they are unlikley to be justified. I gave advice on Council procedures and methods of investigation.

14/01/2013- Noise nuisance recorder installed at complainants property.

26/01/2013 at 21:38- Complaint received out of hours regarding loud music from Ye Old Crown.

09/02/2013 at 21:37- Complaint received out of hours regarding loud music from Ye Old Crown.

18/04/2013- Nuisance recorder removed from complainant's property. Evidence obtained indicates that noise is regularly audible at complainants property and is disturbing. In particular karaoke and live bands result in unreasonable noise levels. Several recordings indicate that music does not stop until after 00:00.

29/04/2013- Noise Abatement Notice served (appendix 3). Notice served by Julie Short, Environmental Health Officer on behalf of Nick Chapman. Julie Short discussed requirements of notice with Mrs De Gouviea at time of service and consequences of non-compliance.

29/04/2013- Call received from Mrs De Gouviea advising that notice had been received and indicating that they intended to comply with its requirements. We discussed possible options for reducing noise impact at nearby residential properties and I suggested that the situation may be improved if doors and windows were kept closed during amplified muisic.

01/06/2013 at 21:55- Complaint received out of hours regarding loud music from Ye Old Crown. The Duty Officer, Colin Alden telephoned Ye Old Crown and advised that complaint had been received. Music was stopped voluntarily

04/06/2013- Email received from Michelle De Gouviea (Appendix 4). Email advises that live music was taking place in the garden area.

06/06/2013- email sent to Michelle De Gouviea. (Appendix 5)

06/07/2013 at 22:36- Complaint received out of hours regarding loud music at Ye Old Crown.

13/07/2013 at 21:39- Complaint received out of hours regarding loud music at Ye Old Crown.

14/07/2013 at 15:14 Complaint received out of hours regarding loud music at Ye Old Crown.

16/07/2013- Letter sent to Ye Old Crown (Appendix 6.)

29/07/2013- Complaint received regarding loud music at Ye Old Crown from second complainant.

27/09/2013 at 22:49- Complaint received out of hours regarding loud music at Ye Old Crown.

09/11/2013 at 22:40- Complaint received out of hours regarding loud music at Ye Old Crown

19/11/2013- letter sent to Mr De Gouviea (appendix 7)

29/11/2013- Nuisance recorder installed at complainant's property.

16/01/2013- Nuisance recorder removed from complainant's property. Summary made of recordings taken (appendix 8)

17/01/2013 at 21:41- Complaint regarding a live band and loud music at Ye Old Crown. Officer attended see officer notes attached (appendix 9)

05/03/2014- Statement from complainant's regarding effect of noise from Ye Old Crown (Appendix 10).

With consideration to the above information I consider that the Environmental Protection Team have made reasonable attempts to work with the Premises Licence Holder to reduce the impact of live and recorded music events at Ye Old Crown. Mr De Gouviea does not appear to have implemented meaningful controls to lessen the impact of live and recorded music and the Council has continued to receive noise complaints.

The Council has obtained evidence that our complainant continues to be disturbed by loud music and evidence suggests that the statutory nuisance originally witnessed in March and April 2013 has not been adequately resolved.

Please tick yes

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

Day Month Year

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

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☑
- I understand that if I do not comply with the above requirements my application will be rejected ☑

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature [redacted]

Date 17th March 2014

Capacity Environmental Protection Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	**Post Code**
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

APPENDIX 1

DARTFORD
BOROUGH COUNCIL

Environmental Health Partnership – Dartford & Sevenoaks working together

Sevenoaks
DISTRICT COUNCIL

Mr M E De Gouveia
Ye Old Crown
74-76 High Street
Edenbridge
Kent
TN8 5AR

Ask for: Nick Chapman
Direct Line: 01322 343 160
Direct Fax: 01322 343 963
Email: nick.chapman@dartford.gov.uk
DX: DX142726 Dartford7
Your ref:
Our ref: 12/04809/NOIMUS/S
Date: 11th January 2013

Dear Mr De Gouveia

Environmental Protection Act 1990
Alleged Noise Nuisance from Live and Recorded Music at Ye Old Crown, Edenbridge

The Environmental Protection Team has been contacted and asked to investigate a complaint concerning an alleged noise nuisance, being caused by loud music at your property.

I am advised that noisy incidents caused a particular problem on the 15th December 2012 between 23:00 and 00:00.

I would stress that the purpose of my letter is simply to draw to your attention the fact that a complaint has been received. The alleged nuisance has not been witnessed by an Officer and the Council has no evidence to either prove or disprove the allegations being made.

The situation is however being monitored and the complainant has been asked to keep a diary sheet to record any incidents which occur.

If complaints continue to be received, the matter will be investigated. As part of this investigation visits may be made to the complainant who contacted us, in order to monitor the situation from their property. **Investigation may, in addition, require a digital recording device to be placed in a property in your vicinity to gain evidence of the noise nuisance.**

I trust however that you will now take steps to avoid causing problems to other residents in the locality.

Once a problem has been brought to light, in many cases it can be resolved amicably without the Council's involvement. I should therefore be grateful for your cooperation in taking any action which is necessary to improve the current situation. I would remind you of the need to ensure that all noise arising from activities at your premises is kept to a

minimum. You should not expect other local residents to suffer unreasonable levels of noise.

The Environmental Protection Act 1990 requires the Local Authority to investigate allegations of nuisance and, if statutory nuisance is established or considered likely to occur, to serve notice requiring abatement of that nuisance. If a breach of such a Notice were to be witnessed, steps would be taken to either refer the matter for prosecution to the Magistrates Court.

I would however hope that it will be possible to avoid this formal procedure and resolve the problem by way of informal discussions.

I should be grateful if you would contact me on the telephone number shown above to enable this matter to be discussed further.

Yours sincerely

Nicholas Chapman
Environmental Protection Officer

APPENDIX 2

DARTFORD
BOROUGH COUNCIL

Environmental Health Partnership – Dartford & Sevenoaks working together

Sevenoaks
DISTRICT COUNCIL

[redacted]
Edenbridge
KENT
TN8 5DR

Ask for: Nick Chapman
Direct Line: 01322 343 160
Direct Fax: 01322 343 963
Email: nick.chapman@dartford.gov.uk
DX: DX142726 Dartford7
Your ref:
Our ref: 12/04809/NOIMUS/S
Date: 11th January 2013

Dear [redacted]

Environmental Protection Act 1990
Alleged Noise Nuisance From Ye Old Crown, 74- 76 High Street, Edenbridge

I refer to our telephone conversation of 21st December 2012 in respect of an alleged noise nuisance from loud music which you advise you are experiencing from the above mentioned property.

I would confirm that I have now written to the occupiers of the property drawing their attention to the complaint and seeking their co-operation in remedying the alleged nuisance. Advice has also been given regarding the action which this team can consider if formal legal action has to be instituted.

I trust that as a result further problems will not occur. If this is not the case and the noise continues, please maintain a diary of the problem on the sheet enclosed. Please fully complete the sheet as accurately as possible including dates, times and durations, together with the extent of the alleged nuisance and its effect on you. This should enable this section to determine whether it is possible to pursue your complaint and determine whether any additional action, such as the installation of noise recording equipment or the undertaking of programmed visits, is required. You should be aware that if your complaint is further investigated and substantiated and legal action becomes necessary, you may be called upon to give evidence in Court.

In addition, on Fridays and Saturdays the District Council runs an out of hours service until 23:00. Should you experience problems with excessive levels of noise during this time please contact the District Council on 01732 227000, select the option for an emergency and request that an Officer visit and witness the problem first hand. Dependent upon workload and officer availability, an Officer will endeavour to attend. It will then be possible, if a statutory noise nuisance is witnessed or considered likely to occur, to serve an Abatement Notice under the above mentioned legislation.

I should be grateful if you would send me a copy of your diary sheet in four weeks. **Please note that if diary sheets are not returned the case will be closed and no further action will be considered.**

Please do not hesitate to contact me on the telephone number shown above if you have any additional queries or wish to discuss this matter further.

Yours sincerely

[redacted]

Nicholas Chapman
Environmental Protection Officer
enc

Appendix 3

DARTFORD
BOROUGH COUNCIL

Environmental Health Partnership – Dartford & Sevenoaks working together

Sevenoaks
DISTRICT COUNCIL

Mr M E De Gouveia
Ye Old Crown
74-76 High Street
Edenbridge
Kent
TN8 5AR

Ask for: Nick Chapman
Direct Line: 01322 343 160
Direct Fax: 01322 343 963
Email: nick.chapman@dartford.gov.uk
DX: DX142726 Dartford7
Your ref:
Our ref: 12/04809/NOIMUS/S
Date: 30th April 2013

Dear Mr De Gouveia

Environmental Protection Act 1990
Alleged Noise Nuisance from Live and Recorded Music at Ye Old Crown, Edenbridge

I write further to my letter dated 11th January 2013 regarding the above matter.

Unfortunately following an investigation into this matter, I have now obtained evidence that noise from events at The Old Crown does cause unreasonable disturbance to nearby residents.

I am of the opinion that the above noise disturbances constitute a statutory nuisance as defined by the Environmental Protection Act 1990 and therefore I am obliged to serve an noise abatement notice (please find enclosed).

Please do not hesitate to contact me should you wish to discuss this matter.

Yours sincerely

Nicholas Chapman
Environmental Protection Officer

Sevenoaks
DISTRICT COUNCIL

Environmental Protection Act 1990
Section 80

Ref: NC-12/04809/NOIMUS/S-01

Abatement Notice in Respect of Statutory Nuisance

To: **Mr Michael Edward De Gouveia**

Of: **Ye Old Crown, 74-76 High Street, Edenbridge, Kent, TN8 5AR**

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Sevenoaks District Council ("the Council") being satisfied of the likely recurrence of a noise amounting to a statutory nuisance under section 79(1)(g) of the Act at the premises known as:

Ye Old Crown, 74-76 High Street, Edenbridge, Kent, TN8 5AR

Within the district of the Council arising from **amplified music and singing**.

Hereby requires you from the service of his notice to prohibit recurrence of the same.

This notice is served on you as the person responsible for the nuisance

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 that level 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 not exceeding £20,000. 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.

Dated: 30th April 2013

Signed: ....[redacted]
Environmental Protection Officer
The officer appointed for this purpose

Please address any communications to:

Nick Chapman, Environmental Health Team, Civic Centre, Home Gardens, Dartford, Kent, DA1 1DR

Reference Number: NC-12/04809/NOIMUS/S-01

Appeals Under Section 80(3) of the Environmental Protection Act 1990 ("the 1990 Act")

2. - (1) The provisions of this regulation apply in relation to an appeal brought by any person under Section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.

(2) The grounds on which a person served with such a notice may appeal under Section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case -

(a) that the abatement notice is not justified by Section 80 of the 1990 Act (summary proceedings for statutory nuisances);

(b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under Section 80A(3) (certain notices in respect of vehicles, machinery or equipment);

(c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;

(d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;

(e) where the nuisance to which the notice relates -

(i) is a nuisance falling within Section 79(1)(a),(d),(e),(f) or (g) of the 1990 Act and arises on industrial, trade, or business premises, or

(ii) is a nuisance falling within Section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or

(iii) is a nuisance falling within Section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes,

that the best practical means were used to prevent, or to counteract the effects of, the nuisance;

(f) that, in the case of a nuisance under Section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatements notice by virtue of Section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -

(i) any notice served under Section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act") (control of noise on construction sites and from certain premises),or

(ii) any consent given under Section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone),or

(iii) any determination made under Section 67 of the 1974 Act (noise control of new buildings);

(g) that, in the case of a nuisance under Section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of Section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);

(h) that the abatement notice should have been served on some person instead of the appellant, being -

(i) the person responsible for the nuisance, or

(i) the person responsible for the vehicle, machinery or equipment, or

(ii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or

(iii) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;

(i) that the abatement notice might lawfully have been served on some person instead of the appellant, being -

(i) in the case where the appellant is the owner of the premises, the occupier of the premises, or

(ii) in the case where the appellant is the occupier of the premises, the owner of the premises,

(iii) and that it would have been equitable for it to have been so served:

(j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -

(i) a person also responsible for the nuisance, or

(ii) a person who is also owner of the premises, or

(iii) a person who is also an occupier of the premises, or

(iv) a person who is also the person responsible for the vehicle, machinery or equipment,

and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under Section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph 2(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of the appeal the court may -

(a) quash the abatement notice to which the appeal relates, or

(b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or

(c) dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

(6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -

(a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or

(b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exercising its powers under paragraph (6) above the court -

(a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and

(b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

Suspension of Notice

3. - (1) Where -

(a) an appeal is brought against an abatement notice served under Section 80 or Section 80A of the 1990 Act, and

(b) either -

(i) compliance with the abatement notice would involve any person in expenditure on the carrying out of the works before the hearing of the appeal, or

(ii) in the case of a nuisance under Section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and

(iii) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met,

and abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where -

(a) the nuisance to which the abatement notice relates -

(i) is injurious to health, or

(ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or

(b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice –

(a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and

(b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

Appendix 4

Nick Chapman

From:	Michelle de gouveia <yeoldcrown@gmail.com>
Sent:	04 June 2013 13:04
To:	Nick Chapman
Subject:	your ref : 12/04809/NOIMUS/S (Ye Old Crown Edenbridge)
Follow Up Flag:	Follow up
Flag Status:	Flagged

Dear Mr Chapman

Further to our conversation on receipt of your letter dated 30 April, we have attempted to keep the volume of our music down, and have closed all entrances/windows to contain as much noise as we could to the inside of the pub.

On Saturday 1st June we were out at a friends birthday barbeque and left the pub in the capable hands of our barman. We were aware that we would have a band on from 9pm onwards. They were a 60's rock n roll band and definitely played good music without the usual head banging stuff.

At 10pm we were contacted by our barman who advised that a Mr Colin Arden from EHO had called with a neighbour complaint (noise). I immediately told him to stop the band, and I left to return to the pub. On reaching the pub, I found that, without our permission, the band had set up outside in the smoking courtyard!!! No wonder the music was heard by the neighbours. The band had actually stopped playing (at 10pm). I then phoned Colin back and told him that I had stopped the band. He advised this was not necessary, as long as the music was turned down. As the band had set up outside (I think it was too hot for them inside), I told him I was not going to let the band continue at all.

We played our normal background music instead, but obviously lost a good few customers who had come specifically to hear the band play. I did explain to them about the noise complaint, but I don't wish to repeat what their comments were!

We would very much like to stay on the right side of the Council, and would like to invite you or another member of your office to our pub to give us input on noise levels when we have entertainment on.

Looking forward to your response.

yours sincerely

Michelle de Gouveia

Appendix 5

Nick Chapman

From: Nick Chapman
Sent: 06 June 2013 11:20
To: 'Michelle de gouveia'
Subject: RE: your ref : 12/04809/NOIMUS/S (Ye Old Crown Edenbridge)

Dear Mr De Gouveia,

Many thanks for your email, I appreciate the steps that were taken to resolve the noise problem.

I would of course be happy to visit you to discuss the options for live entertainment. It can be very difficult to set outdoor noise levels which are acceptable to both the patrons and residents but where possible we may be able to offer advice which will assist in preventing the occurrence of a statutory nuisance.

I am currently available to undertake such an advice visit on any day during the week beginning 17/06/2013 if that is of convenience.

Please do not hesitate to contact me should you wish to discuss this matter further.

Regards

Nick Chapman
Environmental Protection Officer

Environmental Health Partnership- Dartford & Sevenoaks- working together
Tel: 01322 343 160
Fax: 01322 343 963

From: Michelle de gouveia [mailto:yeoldcrown@gmail.com]
Sent: 04 June 2013 13:04
To: Nick Chapman
Subject: your ref : 12/04809/NOIMUS/S (Ye Old Crown Edenbridge)

Dear Mr Chapman

Further to our conversation on receipt of your letter dated 30 April, we have attempted to keep the volume of our music down, and have closed all entrances/windows to contain as much noise as we could to the inside of the pub.

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Looking forward to your response.

yours sincerely

Michelle de Gouveia

Appendix 6

DARTFORD
BOROUGH COUNCIL

Environmental Health Partnership – Dartford & Sevenoaks working together

Sevenoaks
DISTRICT COUNCIL

Mr De Gouveia
Ye Old Crown
74-76 High Street
Edenbridge
Kent
TN8 5AR

Ask for: Nick Chapman
Direct Line: 01322 343 160
Direct Fax: 01322 343 963
Email: nick.chapman@dartford.gov.uk
DX: DX142726 Dartford7
Your ref:
Our ref: 12/0409/NOIMUS/S
Date: 16th July 2013

Dear Mr De Gouviea

Environmental Protection Act 1990
Noise Nuisance from Events at Ye Old Crown, 74-76 High Street, Edenbridge.

I write to advise you that the Environmental Health Team at Sevenoaks District Council has recently received a number of complaints regarding live music at the Ye Old Crown Public House.

This team have been advised that particular problems occurred on 06th, 13th and 14th of July 2013.

I would remind you that a noise abatement notice was served on the 24th April 2013 and remains enforceable. Should noise amounting to a statutory nuisance be witnessed from Ye Old Crown, then the District Council will obliged to consider further action to secure compliance with this notice. This may include prosecution in a magistrates court.

In order to avoid further disturbance to neighbours, I would ask again that you consider the impact of noisy events at your property and ensure that they are managed in such a way as to prevent a statutory nuisance occurring.

As previously discussed, evidence suggests that when events are held internally, and doors and windows kept closed, the level of music at nearby residential properties is acceptable. Where events are held with doors and windows open, or in external areas, the volume of music will need to be significantly reduced to compensate for the lack of acoustic mitigation.

You should be aware that owing to the proximity of residents to the Ye Old Crown, the level of noise reduction needed to hold events in the garden area or with windows open may be incompatible with live or recorded music.

Continued overleaf

This complaint will continue to be monitored using the District Council's out of hours service or by Noise Nuisance Recorder.

Please do not hesitate to contact me should you wish to discuss this matter.

Yours sincerely

[redacted]

Nicholas Chapman
Environmental Protection Officer
Cc- Licensing Team, Sevenoaks District Council

Appendix 7

DARTFORD
BOROUGH COUNCIL

Environmental Health Partnership – Dartford & Sevenoaks working together

Sevenoaks
DISTRICT COUNCIL

Mr De Gouveia
The Old Crown
74-76 High Street
Edenbridge
Kent.
TN8 5AR

Ask for: Nick Chapman
Direct Line: 01322 343 160
Direct Fax: 01322 343 963
Email: nick.chapman@dartford.gov.uk
DX: DX142726 Dartford7
Your ref:
Our ref: 13/04931/NOIMUS/S
Date: 19th November 2013

Dear Mr De Gouveia

Environmental Protection Act 1990
Alleged Noise Nuisance from The Old Crown, 74-76 High Street, Edenbridge

Unfortunately I must advise that the Environmental Protection Team has again been contacted and asked to investigate a complaint concerning an alleged noise nuisance, being caused by amplified music events at The Old Crown, Edenbridge.

I am advised that noisy incidents caused a particular problem on Saturday 9th November 2013.

I would stress that the purpose of my letter is simply to draw to your attention the fact that a complaint has been received. The alleged nuisance has not been witnessed by an Officer and the Council has no evidence to either prove or disprove the allegations being made.

The situation is however being monitored. As part of this investigation visits may be made to the complainant who contacted us, in order to monitor the situation from their property. **Investigation may, in addition, require a digital recording device to be placed in a property in your vicinity to gain evidence of the noise nuisance.**

I would remind you that a noise abatement notice was served in April 2013 (ref: NC-12/04809/NOIMUS/S-01) and that this remains enforceable.

If a breach of such a Notice were to be witnessed, steps would be taken to either refer the matter for prosecution to the Magistrates Court.

Please do not hesitate to contact me should you wish to discuss this matter further.

Yours faithfully

[redacted]

Nicholas Chapman
Environmental Protection Officer

Appendix 8

Date	Time Start	Time End	Comments
29/11/2013	22:02:30	22:07:29	Guitar and drums clearly audible. Some singing also present. Complainants window open
29/11/2013	22:02:30	22:07:29	Singing, and drums audible. Possibly REM being played/ sung
07/12/2013	21:12:18	21:17:17	Singing and drums audible. Words to songs audible. Female signing, 'that's all I ever...' 'do run run run'. Noise from crowd also heard. New song 'Hanging on the telephone' male signer again drums heard,
07/12/2013	21:33:56	21:38:55	Live band singing in high pitched voice (male), drum kit and people laughing. Airplane at 23:35 and at 23:35:55. 'Hungry like the wolf' Duran Duran. Crowd noise still audible. Words clearly audible.
08/12/2013	23:22:57	23:27:56	Complainant's windows closed but music clearly definable as 'Sledgehammer' by Peter Gabriel. Level less than with windows open but still in my opinion of sufficient level to disturb sleep. Happy Birthday being sung on both the PA system and by the crowd.
08/12/2013	23:29:01	23:33:59	Complainants windows open. Africa by Toto heard, drums and bass. New Song 'You can go your own way' by Fleetwood Mac very loud, Drums very noticeable and music clearly audible.
08/12/2013	23:37:54	23:42:53	Continued from previous recording 'You can go your own way' (Fleetwood Mac) People shouting. Aircraft overhead, Crowd shouting and cheering. New Song 'Kids in America' (Kim Wilde) crowd singing 'woawh'. CT closed window but music still clearly audible inside bedroom.
22/12/2013	23:39:05	23:44:04	Complainants window closed. Bass beat from music very intrusive and would impact on ability to sleep within affected bedroom. Noise from crowd talking./ shouting audible. New Song bass beat changes and speeds up Music increases significantly in volume (window remains closed) words to song now audible 'You got to show me love' (Robin S) Bass beat still very intrusive.
22/12/2013	23:44:44	23:49:43	Continued from previous recording but now with windows open. 'you got to show me love' still playing words are clearly audible and music is significantly intrusive and certainly will affect the complainants ability to sleep in affected bedroom. Crowd noise also intrusive. Aircraft overhead. New song, bass beat heard very ' Move' (Little Mix). New Song 'Grease is the Word' very loud and clearly audible in complainants property.
22/12/2013	23:50:15	23:55:14	Continued from previous recording' Grease is the Word' New Song 'Summer Lovin' Crowd singing along. Both songs very loud and result in significant disturbance within CT bedroom.
11/01/2014	22:07:39	22:12:38	Complainant's windows closed. Bass beat heard in bedroom and considered likley to interupt sleep.
12/01/2014	23:37:43	08:42:42	Complainant's windows closed. Bass beat heard within bedroom and crowd noise. Drum and bass type music. Noticeably increased in volume at 00:39. Words now audible 'Tell me that you need me' 'Tell me that you want me' (Waiting all Night Rudimental). New song words audible but I am unable to recognise song. Bass still very intrusive.

Appendix 9.

[redacted]

[redacted]

17/1/2014 21.33 hours. Call from Serenadig District Council CCTV Control Room

[redacted]

[redacted], Edenbridge, [redacted], to complain about amplified music from Ye Olde Crown Inn, High Street, Edenbridge. I telephoned [redacted] who stated that there was loud, live music coming from the Ye Olde Crown public house. I was aware that this was an ongoing case and told [redacted] that I would attempt to witness the nuisance at his property. I arrived at [redacted] at 22.30 (approximately). Music not playing when I arrived. 22.40h faint music is audible in the front room on the ground floor. I moved to the kitchen at the rear of the property and could hear a drum beat and the bassline of indi/rock-type music. Precise words of the songs not audible. Sound of airplane passing overhead is louder than the music. According to the complainants, this level of noise is comparable to recent musical events at the pub, but not the loudest it has been.

22.55h I move to the loft bedroom on the second floor of the property. The music can be heard louder in this room. The drums are louder and the vocals are more discernable, but not loud enough to make out specific words of the male voice. 23.00h I am able to distinguish the song which is being played, including specific words "do you have the time to listen to me whine". 23.06h vocals are still muffled but I can distinguish some words

of the song. It is still the drums which are the loudest element of the ~~song~~ noise. There are very short breaks between songs 23:09h vocals are more discernable. Vocals heard include "She's so lonely, She's so lonely" and "I love the way she licks her lips" 23.16h words heard "I've got soul but I'm not a soldier". 23.18h a new song playing with the word heard "If I lay here, if I just wait here". 23.21 vocals are slightly louder and most words are discernable.

23.23. New song playing with vocals clearly heard, "Woah, this sex is on fire". 23.32h. Music still audible. The song Park Life by Blur is playing. 23.37h the lyrics "what's that coming over the hill is it a monster". 23.50h I move downstairs to the kitchen. The music is only faintly audible in this room. 23.5x I move back to the second floor loft room, and I can still hear the lyrics of the song. This room has one double-glazed window at the rear of the property

from which I can see the rear of the public house. The last song finishes playing at 23.58 I left the premises at 00.10h 18/1/14.

Appendix 10

Nick Chapman

Subject: FW: Noise complaints - Ye Olde Crown Inn - Edenbridge

From: [redacted]
Sent: 05 March 2014 00:00
To: Nick Chapman
Subject: Noise complaints - Ye Olde Crown Inn - Edenbridge

Dear Nick,

Please find below our statement regarding the noise problems we have suffered from Ye Olde Crown Inn on Edenbridge high street.

We moved into our present home in early 2010 and since that time we have faced persistent problems with excess noise from Ye Olde Crown Inn, Edenbridge a public house not even immediately adjacent to our property.

We bought our house in town in full knowledge of the location of the public house and with the expectation of normal raised levels of noise commensurate with a local pub.

We have made no complaint regarding what we would consider normal noise from the pub, including the outside space which often includes protracted periods of drunken shouting especially around closing time. Our long term and on-going problem is with live and recorded music which is played at high volume very late into the evening and with the PA system used to broadcast music and speech into the outside space.

For a period prior to the arrival of our children we were able to mitigate the issues with noise by virtue of primarily using the front bedroom of our house which having the benefit of several internal walls between us and the source of the noise was able to be used. This was not completely effective on all occasions though since in the worst of instances the music and in particular the bass sounds would still disturb us, being reflected from the houses opposite. During two pregnancies my wife's sleep, and our peaceful enjoyment of our home has been very much disturbed which she has found extremely stressful.

Our house is fully double glazed and the extended parts were built within the last 10 years to modern specification and regs, so there is little more we could do to prevent this issue from our side.

We attempted to contact the establishment directly during the instances of disturbing noise by telephone but we were either treated rudely or ignored.

Since the birth of our children the problems have continued at the same regularity but the effect has been severely compounded. Noise has continued to include; amplified live music, musicians with amplification set up outside, karaoke amplified into the outside space, a very loud PA system (again amplified outside) frequently on a weeknight and loud recorded music with a heavy bass element.

We now find ourselves in the position of having four people (two adults, two children) share a single room (the front room) of a three bedroom house. Our son (now nearly 3 years old) has not been able to move to his own room. Though the noise is not nightly we could not expect him to sleep through the disruption or accept being moved from room to room depending on the events schedule of the pub. Our daughter (approaching 1 year old) is of course now facing the same issue.

One of the most demoralising aspects of the last year has been the brief respite we were granted after a noise abatement notice was served. The improvement was short lived and the noise soon returned. Likewise after we have been informed of any contact from the council the pub is quiet again for a period but soon they revert to their previous behavior.

The issue here is with an establishment which is undertaking activities entirely unsuited both to the building it occupies; where extremely loud music is played often within a thin walled (wooden?) structure at the back of the pub, and to its environs; playing music beyond midnight, piped outside in a semi residential area of a small market town.

Kind regards,

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Mobile