

Supplementary Committee Agenda



**Epping Forest
District Council**

Licensing Sub Committee Thursday, 17th November, 2022

Place: Virtual Meeting on Zoom

Time: 10.00 am

Democratic Services: A Hendry, Democratic Services (Direct Line 01992 564243)
Email: democraticservices@eppingforestdc.gov.uk

4. TEMPORARY EVENT - THE PINK ZEBRA, 6 FOXES PARADE, SEWARDSTONE ROAD, WALTHAM ABBEY, EN9 1PH (Pages 3 - 6)

To consider the attached witness statements.

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Witness Statement

CJ ACT 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of: Tracy Latham

Age if under 18: Over 18 (if over 18 insert "over 18")

This statement (consisting of 2 pages signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated : 26 September 2022

Signed:

- 1) I am employed as an Environmental Enforcement Officer by Epping Forest District Council. I have been working for Epping Forest District Council since June 2022.
- 2) My duties include issuing statutory notices served under Section 80 of the Environmental Health Protection Act 1990, and to carry out noise monitoring in response to complaints made to the Council, to establish if a statutory nuisance exists. This also includes carrying out monitoring in response to complaints to assess if noise abatement notices served under the provisions of the Environmental Protection Act 1990 are being complied with.
- 3) On Sunday 25 September 2022 at approximately 00:15 hours I received a call via the Council's emergency out of hours noise service. I called the complainant and agreed to attend his property due to a report of loud bass coming from the Pink Zebra, the nightclub below his premises.
- 4) I arrived in the area approximately 01:10 and music was audible as I walked to the complainant's property. I could feel the floor vibrating with the deep bass. The property was a bedsit with the living room/bedroom over the nightclub. The kitchen and bathroom are shared with other tenants.
- 5) I went into the living/bedroom of the complainant's property which is above the nightclub at the side of the building and at 01:25 I set up the Norsonic Sound Level Meter to record. Music was audible but it was the bass from the music that was clearly causing a nuisance. I noted the window was closed. The tv was on mute in the complainant's property.
- 6) During the recording my equipment was vibrating on the floor during the first song which had a deep, repetitive bass. The second song had less bass, and the music could now be heard.
- 7) I stopped recording and the resident showed me that he was unable to listen to his TV at its usual level of 10 and had to turn it to 16 to be able to hear it. I could still feel the base coming through the floor vibrating under my feet. A later interrogation of the equipment showed that this recording had not been stored.
- 8) I began recording again at approx. 01:38. There was a deep base that could easily be heard throughout his room. During this recording and afterwards the complainant's items could be heard vibrating on the floor. I sat on the sofa at the end of his bed for this recording and the vibration could be felt through the floor and into my boots. No one would be able to sleep during a bass at this level. This recording was saved however is shown as 30 August 2022: I confirm that this is the correct recording taken above the Pink Zebra on the date in question.
- 9) The complainant's sleep has been adversely affected by this loud music and bass. He cannot sleep until it has stopped. This is making him tired, and he struggles at work. He is

Signature

Witness Statement

(CJ ACT 1967; S9; MC ACT 1980, SS5A(3)(a) and 5B, MC Rules 1981, r70)

Continuation of Statement of: Tracy Latham

finding it increasingly difficult as it is now occurring on Thursdays as well, giving him an additional consecutive day of no sleep. He is at his wits end but cannot afford to move.

- 10) I am satisfied that the events witnessed were a breach of the noise abatement notice. The level of the bass would prevent someone from sleeping and the complainant only has one room so nowhere else to go to not be disturbed.

Witness Statement

(CJ ACT 1967; S9; MC ACT 1980, SS5A(3)(a) and 5B, Criminal Procedure Rules 2005, Rule 27.1)

Statement of: Mr Christopher Smith

Age of Witness: Over 18

This statement (consisting of 2 pages signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: 18 October 2022

Signed:

1. I am employed by Epping Forest District Council as a Senior Environmental Enforcement Officer. I have been working at Epping Forest District Council since 09 January 2009.
2. My duties include carrying out noise monitoring outside of standard working hours in response to complaints made to the Council, to establish if a statutory nuisance exists or if legal notices are being complied with.
3. On the 15 October 2022 at approximately 00.34 hours, I received a complaint via the Councils Out of Hours noise service (OOH). The complaint was in relation to loud music coming from the Pink Zebra which the resident felt was in breach of a Noise abatement Notice that had been previously issued.
4. On checking the Councils records I could see that 2 noise abatement notices were issued on the 25 May 2022, one to the DPS and one to the Premises Licence Holder. The noise abatement notice requires Mr [REDACTED] and [REDACTED] to maintain the volume of music and amplified sound at a level that will not cause a statutory nuisance to the occupiers of noise sensitive premises. I now produce a copy of the noise abatement notices marked as CS/1.
5. I arrived in the area at approximately 01.20hours on the 15 October 2022. While waiting for the lights to change I could clearly hear music coming from the premises. I parked to the rear of the premises in Darby Drive. I had to walk past the Pink Zebra to get to the complainant's property. As I walked passed, I noted a number of people standing outside with a door man on the door, there appeared to be no effort to control the noise customers were making. All windows and doors were closed at the time, but the music was of the same type being played while I was across the road.
6. The Pink Zebra is a Licenced Premise on the ground floor of a block of mixed use properties which is on the corner of a junction with Sewardstone Road and Quaker Lane. The ground floor of the block is made up of the Pink Zebra and other commercial units such as shops. Above these units are residential properties. Across the road (Sewardstone Road) to the block are residential properties.
7. At the junction of Sewardstone Road and Quaker Lane there are traffic lights, this is where I was waiting for the lights to change.

Signature..... Page 5
Signature witnessed by.....

Witness Statement

(CJ ACT 1967; S9; MC ACT 1980, SS5A(3)(a) and 5B, Criminal Procedure Rules 2005, Rule 27.1)

Continuation of Statement of: Mr Christopher Smith

- 8. I entered the complainant's property at approximately 01.25 hours. Loud music and people noise could be heard as soon as I entered at low levels, all the complainant's windows were closed at the time. I believe that even at this low level it would hinder someone trying to go to sleep.
- 9. At approximately 01.27 hours the complainant advised he had to shut the windows due to the noise, but they would normally be open. I therefore opened a single window.
- 10. With the window open the music could be heard at a higher level and much clearer, straight away I recognised that it was being played at a level which would prevent sleep. The music I heard was of the same type that I heard whilst walking past the premises and in the car while waiting for the lights to change (club music with bass and very little in the way of lyrics, I did not recognise any of the music which was being played).
- 11. At approximately 01.30 hours the music was still audible, but the people noise increased. Both the music and people noise could be heard over the conversation I was having with the complainant meaning we both had to raise our voices to be heard clearly.
- 12. At approximately 01.40 hours the complainant advised that the music is normally a lot louder and that it was a lot louder when they originally made the call to the service.
- 13. At approximately 01.45 hours the volume of the music seemed to increase where the music and bass was clearly audible over the traffic noise.
- 14. At approximately 01.50 hours I left the complaints property but stayed in the area outside for another 10 minutes so I could monitor the front of the premises. Again, the same music could be heard clearly when I walked past the premises on the other side of the road. The door was again closed. While outside I took a photo of the premises which showed the doors to be closed and number of people outside. I exhibit the photo as CS2 which was taken at 01.52 hours
- 15. I left the area at approximately 02.00 hours.
- 16. In my time at the complainant's property, I had formed the opinion that the level of the music was such that it was preventing the reasonable enjoyment of the complainant's property, in this case the music would prevent the complainant from sleeping. I was therefore satisfied that the noise abatement notices were not being complied with.