

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.

Signature