

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.....Signature witnessed by.....

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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.

Signature.....Signature witnessed by.....