

RESTRICTED (when complete)

WITNESS STATEMENT

(Criminal Procedure rules, r27.1(1); CJ Act 1967, s.9; MC Act 1980, s.5B)

Statement of: Stewart Edward Bryant

Age if under 18: O/18 (if over 18 insert 'over 18') Occupation: Snr Environmental Protection Officer

This statement (consisting of 2 page(s) each 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 anything in it, which I know to be false or do not believe to be true.

Signature:

Date 7th June 2011

~~being unable to read the statement below I of Hastings Borough Council, read it to him before he signed it. Dated the day of~~

I am employed as a Senior Environmental Protection Officer attached to the Environmental

Protection Team of the Hastings Borough Council, Environmental Health Department. I have been

in the employ of the council for nearly 10 years and hold a 1st class BSc (Hons) in Environmental

Health from Middlesex University and Graduate Membership of the Chartered Institute of

Environmental Health. As such I am an authorised officer in respect of the Environmental

Protection Act 1990. In addition to my day to day duties, I am also attached to the Council's

Emergency 'Out of hours' team as a Duty Environmental Health officer. This team operates a 24

hour service to respond to calls outside of normal office hours. As a result of an ongoing

investigation into noise nuisance at the LONDON TRADER, 4-7 EAST BEACH STREET,

HASTINGS, I received a call from the Councils out of Hours coordinator at just before midnight on

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the 22nd April 2011. I telephoned my back up officer Claire Worth and we made our way to the

area of the complaint. As we drove slowly past the LONDON TRADER I could see that the pub

was open and a loud disco was in full swing. I noted that front doors were open and the windows

at the eastern side of the pub were also open and loud disco music was escaping out of the open

apertures. In addition tables and chairs located outside the pub on the seafront were in use by

customers. I was aware from the Out of Hours briefing note that the London Trader has the

following two conditions attached to the licence; A) "There shall be no use of external, tables

after 23:00 hours". B) "Noise and music arising from the licensed premises shall be no

more than barely audible, as perceived by an authorised officer of Hastings Borough

Council, at the façade of any building containing residential premises at any time. For the

avoidance of doubt noise shall include that arising from all mechanical or electrical

SIGNATURE..... WITNESSED BY.....

Continuation of statement of Stewart Edward Bryant

equipment used by the premises and that noise arising from customer in the immediate

vicinity of the premises”. We arrived in Rock a Nore Road at about 23:55 hours and parked up adjacent to Webbs Fish restaurant. We then walked down to Winkle Island and stood on the pavement opposite Pleasant Row. The distance from Winkle Island to the London Trader is about 70 metres and I could clearly hear loud music coming from the direction of the London Trader.

Experience tells me that there is no doubt that this loud music would be audible inside the properties at Pleasant Row which are about 7 metres from where I was standing. The music was so loud that I was able to identify some of the songs and at 00.01 I could clearly hear “THRILLER” by MICHAEL JACKSON being played and this was audible on Pleasant Row. This music was clearly in breach of the licensing conditions attached to the London Trader’s licence at the licensing hearing. Claire and I then walked from Pleasant Row to the London Trader, I observed that the windows on the eastern wall of the London Trader were open and music was blaring out onto the street and people were still sitting at the tables and chairs at the front of the pub facing the sea. The door was also still open at the front of the pub allowing noise to escape. The street located directly behind the pub is Hastings Wall and contains residential flats we walked around the rear of the pub into Hastings Wall and stood about half wall along Hastings Wall. Again the music was clearly audible at street level and I have no doubt that the music would be clearly audible in these premises. I then looked through the side window of the pub and could see people dancing to the music. We then walked back to our vehicle and drove up Rock a Nore Road to and stopped outside the Dolphin Public House about 130 metres from the London Trader. The loud intrusive music was still audible at this location and was sufficient to be a statutory noise nuisance in addition to being a breach of the licensing conditions. We left the area 25 minutes after arriving and throughout the visit the music was of sufficient volume to prevent sleep in residential properties. As we left the area the music was still playing at the same volume and the tables and chairs were still in use.

Signature

Signature witnessed by:

PTO