



Document 5
 Statements -
 • Scott Lawson
 • Claire Worth.

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 (when complete)

Statement of: Scott Nikki Lawson
 Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Senior Technical 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

31/03/2014

_____ 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 by Hastings Borough Council, as a Senior Environmental Protection Officer attached to the Environmental Protection Section of the Environment & Safety Directorate. I have been in the employ of Hastings Borough Council since 2003, as part of my duties I am 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. On the evening of the 9th November 2013 at 22.55hrs I received a telephone call from the out of hours co-ordinator. A complaint had been received from a member of the public residing in Queens Road, Hastings, East Sussex; reporting that there was excessive amplified music noise coming from Bar Moda, 205-206 Queens Road, Hastings, East Sussex. I checked the OOH list, Bar moda was on it, so I agreed to visit the area to investigate the complaint. I called the backup officer Claire Worth for assistance. At 23.20hrs I parked in Wellington Place, Hastings, East Sussex and met with Claire Worth. We walked down towards Bar Moda. As I came level with no.5 Albert Road I could hear the bass beat of music coming from Bar Moda which is approximately 60m away. At this point the bar was around the corner of another building and not in direct line of sight. There are conditions attached to Bar Moda's premise licence in order to prevent public nuisance the condition reads "Noise from the premises shall not be audible in Russell Street, being the closest residential area to the premises". Claire Worth and I therefore entered Russell Street and walked along until the noise from the premises was barely audible. The base beat could still be heard and was accompanied by the voice of a male MC whilst standing outside of no.12 Russell Street, which is approximately 43m from the junction with Albert Road. We then walked around to Queens Road via Albert Road. The music got louder as we approached the premises. Observing Bar Moda as we passed, I confirmed that the music was coming from the premises, there was a smoking area in use by the front door, door supervisors standing at the door and customers walking in and out. Standing in the recessed doorway of the shop at no.17 Queens Road the sound of the music was clearly audible. It was Drum and Bass style music the bass was loud and low in frequency. A number of cars passed our position on the wet roads creating considerable road noise, the bass beat was still audible over the traffic. At 23.38hrs we walked passed the front of Bar Moda, the front door was opening and closing and there was a noticeable variation in the volume coming from the premises as this happened. There were also open windows at the front of the premises on the first floor. Making our way round to the rear of the premises (Station Road) the noise from the rear smoking area was considerably louder with a male MC shouting into a microphone at a fast rate of words. We got to the junction of Middle Street and Station Road the music from Bar Moda was lost in the sound of music coming from the entrance to the Clarence where a rock band was playing. We walked up and stood outside no.4 Middle Street where the music from the rock band dominated however when they took a break the



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heavy low, repetitive bass beat emanating from Bar Moda became audible. At 23.44hrs we walked up to the gates to the old BT car park some 90m from Bar Moda, at this point the music was barely audible. At 23.47hrs Claire and I completed a full circuit, walking back to Russell Street. We stood outside Thimble – inas, no.4 Russell Street, which is in direct line of sight of Bar Moda. There were a number of customers standing outside the premises in the smoking area, at least seven, and the door at the entrance was continually opening and closing as customers passed through the door way. There was a corresponding fluctuation of noise but it was still clearly audible throughout. Claire and I Walked over to Bar Moda and asked to speak to the manager. The door supervisor called the manager out, Richard Martin, I presented my Identification and introduced myself. We discussed the current, unacceptable level of noise coming from the premises. At this point Katie Martin also joined us. I advised that there was still a problem with the noise and that it needed to be reduced. I also explained that the music was a nuisance. Mr Martin advised that he has started sound proofing the lobby area but it was not complete, he had been in contact with David Steeds Hastings Borough Council Principle EHO. Mr & Mrs Martin did not feel that there was such of a problem and that the noise from the windows was insignificant. I reminded him that there were conditions to monitor the noise from Russell Street. At 00.02hrs Mr Martin agreed to reduce the volume of the music and Claire and I walked back up to Russell Street. A few minutes later there was a subtle reduction in volume but the bass beat was still throbbing away in the back ground. At 12.08hrs Mr Martin walked over to Russell Street to check on the noise level. The bass beat was still audible, I explained that the music was still audible and could be reduced further. Mr Martin was not pleased by this and said that this was only one complainant. He knew who it was that had complained, due to the complainant allegedly posting unacceptable comments on the social networking site, Twitter. Mr Martin complained that this was not really a nuisance, at which point I again reminded him of the conditions of his licence and that he was responsible for ensuring that they are not breeched. Mr Martin went back to Bar Moda to make further adjustments to the volume, Claire and I left the are at 00.15hrs.

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WITNESS STATEMENT

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

Statement of: Claire Louise Worth

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Admin Officer - Env Protection

This statement (consisting of _____ 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: *C. Worth*

Date *31/03/14*

~~being unable to read the statement below I~~
he signed it.

~~of Hastings Borough Council, read it to him before~~
Dated the _____ day of _____

I am an Admin Officer in the Environment & Safety Directorate of Hastings Borough Council and have been employed for the last 23 years. I also act as a Support Officer for the Out of Hours service the Council provides. I am an authorised officer in respect of the Environmental Protection Act 1990. On Saturday 9th November 2013 at 23.00hrs I received a call from my Lead Officer Scott Lawson asking me to meet him in Wellington Square as he had received a complaint regarding loud music from Bar Moda, 205-206 Queens Road. I arrived at 23.15hrs and as we walked down towards Russell Street you could already hear the bass beat the bar was not in direct line of sight at this point. We stood outside 12 Russell Street which is approximately 40m from the junction with Albert Road and the bass beat could clearly be heard. We then walked to the front of Bet Fred in Queens Road there was a number of people outside in the smoking area being very loud shouting at each other to communicate. The music and bass beat was very heavy and you could still hear the music when cars went by. At 23.38hrs we walked passed the front of Bar Moda and patrons were coming and going as the door opened the music was louder again. The windows on the first floor were also open. We walked round the back into Station Road and the noise from the customers in the rear smoking area was considerably loud along with the DJ on the microphone. We got to the junction to Middle Street and Station Road and The Clarence Pub had a rock band playing their music drowned out the music from Bar Moda. We went and stood outside 4 Middle Street where the Clarence music was much louder than Bar Moda however whilst standing there the Clarence band had a break and then the heavy bass beat coming from Bar Moda became audible again. At 23.43hrs we walked up to the gates of the old BT car park which is approximately 90m away from Bar Moda here the music was just audible. At 23.46hrs we then carried on round the block past Mr Beans and headed back to Russell Street where we stood outside Thimbleinas Sewing Shop from here you can see Bar Moda. A number of customers from Bar Moda were standing outside in the smoking area and customers were coming and going through the door. Whilst

SIGNATURE: *C. Worth*

WITNESSED BY

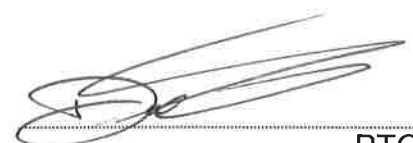
[Signature]

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the door was open the music was louder but was still clearly heard when shut. We walked over to Bar Moda and Scott asked the Door Supervisor to call the manager out to speak with us. Richard Martin then joined us and Scott explained why were there. Scott pointed out that the current level of music was to loud. Mrs Martin then joined us. Scott repeated again that the level of music was to loud and it needed reducing. He also explained that it was considered nuisance level. Mr Martin said he had carried works out on the door area but it wasn't complete yet but he had been discussing matters with David Steeds in the office. Mr & Mrs Martin did not feel the there was a problem and after pointing out that the windows were open on the first floor they said that was insignificant. Scott reminded Mr Martin that his licence states that the music will be monitored from Russell Street. At 00.03hrs Mr Martin said he would try and reduce the level of music but it was difficult as every hour was a different DJ. We walked back to Russell Street the level reduced a small amount but the bass beat was still clearly audible. At 00.08 Mr Martin walked over to us in Russell Street to check on the levels. He was not at all pleased by this and complained that there was only one complainant. He had knowledge of who it was as they had made comments on their twitter account. Mr Martin complained saying it wasn't really a nuisance this is when Scott reminded him of the condition on his licence and it was his responsibility to monitor and make sure they were not breached. Mr Martin walked back to Bar Moda to see if it could be turned down any more. We left the area at 00.15hrs

Signature



Signature witnessed by:



PTO