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Document 6 of
APPENDIX B
Stewart Bryant -
Statement

Statement of: Stewart Edward Bryant BSc
Age if under 18: 0/18 (if over 18 insert 'over 18') Occupation: Duty Officer Environmental Health




This statement (consisting of 4 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 31/3/2014

~~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 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, I am a Graduate Member of the Chartered Institute of Environmental Health and a Fellow of The Royal Society For Public Health. As such I am an authorised officer in respect of the Environmental Protection Act 1990 and other Environmental Health Legislation.

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. The Environmental health team operates a 24 hour service to respond to calls outside of normal office hours.

On the 26th December 2013 at about 22:00 hours I received a telephone call from the emergency coordinator employed by the Council. I was informed that they had a received a telephone call from a 
 Hastings, East Sussex  was complaining about loud music coming



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from a licensed premise known as BAR MODA located at 205-206 Queens Road, Hastings.

The Public house is located about 50 Metres from the complainants flat.

At about 22:45, I arrived in Russell Street and parked my vehicle outside the Clown public. I stood in Russell Street and despite the strong wind that night I was aware of loud music and a heavy base beat coming from the direction of BAR MODA.

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".

As it was Boxing Day night there were no other premises open in the vicinity and having stood there for about 10 minutes observing the noise I walked to the junction of Albert Road and Russell Street and the music and base beat was still audible and had increased in volume as I had got nearer. I would describe the music as a dance/garage type genre.

There was several door staff milling about outside of a set of open doors leading in to the premises next to the main doors of the premises. People were entering the venue and I believe that that were paying on the door to gain access to the event.

At about 22:54 hrs I walked into Queens Rd and visited the complainants property and was shown into the complaints lounge which is located [REDACTED]

[REDACTED] From this location I could clearly hear the loud music and heavy base beat associated with that style of music



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coming from BAR MODA the music continued for about 15 minutes and was audible above normal levels of conversation for that time of night and was clearly causing distress to the tenants trying to enjoy their property on the boxing day holiday.

I then Walked over to Bar Moda and asked to speak to the manager. The door supervisor called the manager Richard Martin out, I showed Mr Martin my warrant card and introduced myself. I then asked him to step away from the premises and we walked across the road over to the betting shop, [REDACTED]

[REDACTED] We discussed the current, unacceptable level of noise coming from the premises however Mr Martin denied that it was a problem and stated that the man in the flat above the bookies had it in for him.

I advised that there was clearly a problem with the noise and that it needed to be reduced, I also informed him that having the door open was unacceptable as this allowed the escape of unwanted sound and he stated that he thought that the doors were being kept shut when clearly they were not.

I also explained that the music was causing a statutory nuisance and that he was also in breach of his premises license. Mr Martin advised that he had several of these events and had started sound proofing the lobby area but it was not complete. I then stated that I understood that he was being dealt with by David Steeds the Principle EHO at Hastings Borough Council in relation to the allegation of noise nuisance.

Mr Martin continued to state that there was not a noise problem and that he required music to trade efficiently. I then stated that this was fine as long as it was



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not to the detriment of those living around him and that residents cannot always have the freedom to choose where they live in such economic hard times.

I reminded him that there were conditions to monitor the noise from Russell Street and we then walked around the back of Queens Road and into Russell Street, again the music was audible but now at a reduced volume having been a result of my intervention.

I then asked him to ensure that the door staff keep the doors shut and ensure that patrons milling about smoking keep the noise to a minimum.

I left the area at about 23:30.

