

Appendix E

- Appendix 1** Aerial photograph of location of the premises
- Appendix 2** Copy of the current premises licence
- Appendix 3** Witness statements
- Appendix 4** Copy of Environmental Protection Act section 80 Abatement Notice
- Appendix 5** Warning letters to licensee – Mr Singh
- Appendix 6** Planning applications and decisions
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- Appendix 9** Licensing Section comments
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THE EDGE

**157 COMMERCIAL
STREET, LONDON E1**

**APPLICATION FOR
REVIEW OF PREMISES
LICENSE**

1 - APR 2000

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I ENVIRONMENTAL HEALTH

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description THE EDGE NIGHTCLUB 157 COMMERCIAL STREET	
Post town LONDON	Post code (if known) E1
Name of premises licence holder or club holding club premises certificate (if known) Mr Jaspel Singh	
Number of premises licence or club premises certificate (if known) 11840	

Part 2 - Applicant details

I am

- | | Please tick yes |
|---|-------------------------------------|
| 1) an interested party (please complete (A) or (B) below) | |
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2) a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Environmental Health Environmental Protection Mulberry Place (AH) PO BOX 55739 5 Clove Crescent London E14 1BY
Telephone number (if any) 02073645008
E-mail address (optional) environmentalhealth@towerhamlets.gov.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

Due to the combination of the structural limitations of the premises and the continuing inability or unwillingness of the License holder to put in place and maintain the necessary range of managerial controls. The operation of this 'club' has caused considerable noise disturbance to neighbouring residents. A significant number of complaints have been made to the Council's Out of House noise service whose officers have corroborated the validity of the complaints on many occasions, the most recent being 16th March 2008.

The disturbances arise generally on the weekends due to music noise and from within 'the premises' being audible in bedrooms of adjacent residential units until as late as 04:00 hours.

Officers of the Environmental Protection Team and several of the affected residents have brought these matters to the Licensees attention on many occasion but the incidents are inevitable soon repeated.

It is my view, therefore, that these premises continue to be operated in such a fashion that is inconsistent with the requirements of the objective set out in the Licensing Act 2003 relating to the prevention of 'Public Nuisance'.

The Licensee has been given ample opportunity and time since first being made aware of the problems outlined above, but has failed to bring about and lasting improvement in the situation.

Please provide as much information as possible to support the application
(please read guidance note 2)

The Edge Nightclub is located within the basement of 157 Commercial Street, London E1 6BJ. A restaurant is located on the ground floor and residential on the 1st, 2nd, 3rd and 4th floors consisting of nine (9) flats **Appendix 1**.

Copy of The Edge Premises License for The Edge contained within **Appendix 2**. The name of the premises licence holder is a Mr Jaspel Singh. Condition extracted from the Premises License to which this précis will be referring to outlined below:

- All noise emanating from the premise must not cause a statutory noise nuisance as set out in Section 79, Sub-section (1) paragraph (g) of the Environmental Protection Act 1990 within any other premise.

Officers from the Council whilst on duty on the Out of Hours Noise Patrol service responding to complaints of loud music emanating from The Edge Nightclub witnessed Statutory Noise nuisance on 16th July 2005 and 6th August 2005 **Appendix 3.1 and 3.2** respectively. An Environmental Protection Act section 80 Abatement Notice in respect of a Statutory Noise Nuisance **Appendix 4** was served on 26th October 2005 **Appendix 3.3**.

Statutory Noise Nuisance from loud music emanating from The Edge Nightclub and therefore contraventions of the above Abatement Notice were witnessed on:

- 7th December 2006
- 24th December 2006
- 14th January 2007
- 4th Feb 2007
- 31 March 2007
- 7th April 2007
- 13th April 2007
- 23rd June 2007
- 9th February 2008
- 1st March 2008
- 16th March 2008

Appendix 3.4 – 3.15 respectively

Environmental Health wrote to Mr Singh on 2nd and 14th January 2007 regarding the contraventions of Environmental Protection Act 1990 Notice that was served on 26th October 2006 up to that date **Appendix 5**. Officers have spoken to Mr Singh on numerous occasions whilst on duty on the Out of Hours Noise Patrol service where it was stated to Mr Singh that the premises is causing a Statutory Noise Nuisance contravening above Notice, contravening their premises License and Planning permission permitted hours. Witness statements from Environmental Health Officers and Environmental Health Technical Officers detailing the above contraventions, noise nuisances and conversations with Mr Singh are contained within witness statements labelled **Appendix 3.1 – 3.15**.

The premises operated without valid planning permission until 4th May 2007 where conditional permission for the development was granted conditioning the hours of operation till midnight Mon – Sat and till 23.30hrs on Sunday. Planning applications and outcomes of these applications contained within **Appendix 6**. During the process of applying for planning permission, an Acoustic Report was produced **Appendix 7** and remedial works carried out attempting to address the noise issues.

The Edge Nightclub has continued to operate beyond the planning permitted times from when conditional permission was granted on 4th May 2007. Planning Department served a Temporary Stop Notice on 29th February 2008 prohibiting use of premises outside planning permitted times **Appendix 8**. To date there has been three (3) contraventions of this notice witnessed. **Appendix 3.15** summarises actions taken by planning within witness statement of Cain Duncan – Planning Enforcement Officer. This planning matter is now with Tower Hamlets Legal Department with a view to prosecute.

A summary of complaints received directly to the Licensing Department and details of action taken by this department contained within **Appendix 9**.

Since the Environmental Protection Act Abatement Notice was served this department has received approximately sixty-five (65) complaints from residents regarding loud amplified music from The Edge, 157 Commercial Street, London E1 and witnessed twelve (12) contraventions of the Environmental Protection Act section 80 Notice served on 26th October 2005.

The information outlined above demonstrates that Mr Singh has not complied with the conditions of his Premises License.

Despite the owner, Mr Jaspel Singh, arranging to carry out sound insulation works to the premises as recommended by his independent acoustician, the premises has continued to cause a nuisance to nearby residential resulting from the licensable activities taking place at this venue. This would seem to arise due to a combination of lack of regard for the residents living in the close proximity to 'the premises', inadequate management being exercised over controlling both the volume and bass of the music being played and a structural deficiency in the building itself which has not had the necessary acoustical improvements carried out to contain noise effectively in the basement. Mr Singh, who has always presented himself, 'de facto', as the person in control of 'the premises' since 2005, has failed to resolve the noise problems associated with the operation of the premises and the structural inadequacies. It is clear that the activities and associated musical accompaniment which have been taking place at 'the premises' have caused and continue to cause distress and disturbance to those living in the immediate vicinity, and so compromise his premises License and Licensing objectives.

More detailed Précis of Events contained within **Appendix 10**.

Information to support Application

- Appendix 1 – Aerial photograph of location of premises
- Appendix 2 – Copy of Premises license
- Appendix 3 – Witness Statements
- Appendix 4 – Copy of Environmental Protection Act section 80 Abatement Notice
- Appendix 5 – Warning Letters to Licensee – Mr Singh
- Appendix 6 – Planning Applications and Decisions
- Appendix 7 – Acoustic Report and subsequent correspondence
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- Appendix 9 – Licensing Department comments
- Appendix 10 – Précis of Events

Have you made an application for review relating to this premises before **Please tick yes**

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

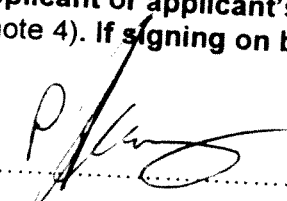
- Please tick yes**
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
 - I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

2ND APRIL 2008

Capacity Environmental Health Technical Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)
As per Part 2 C of this application

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

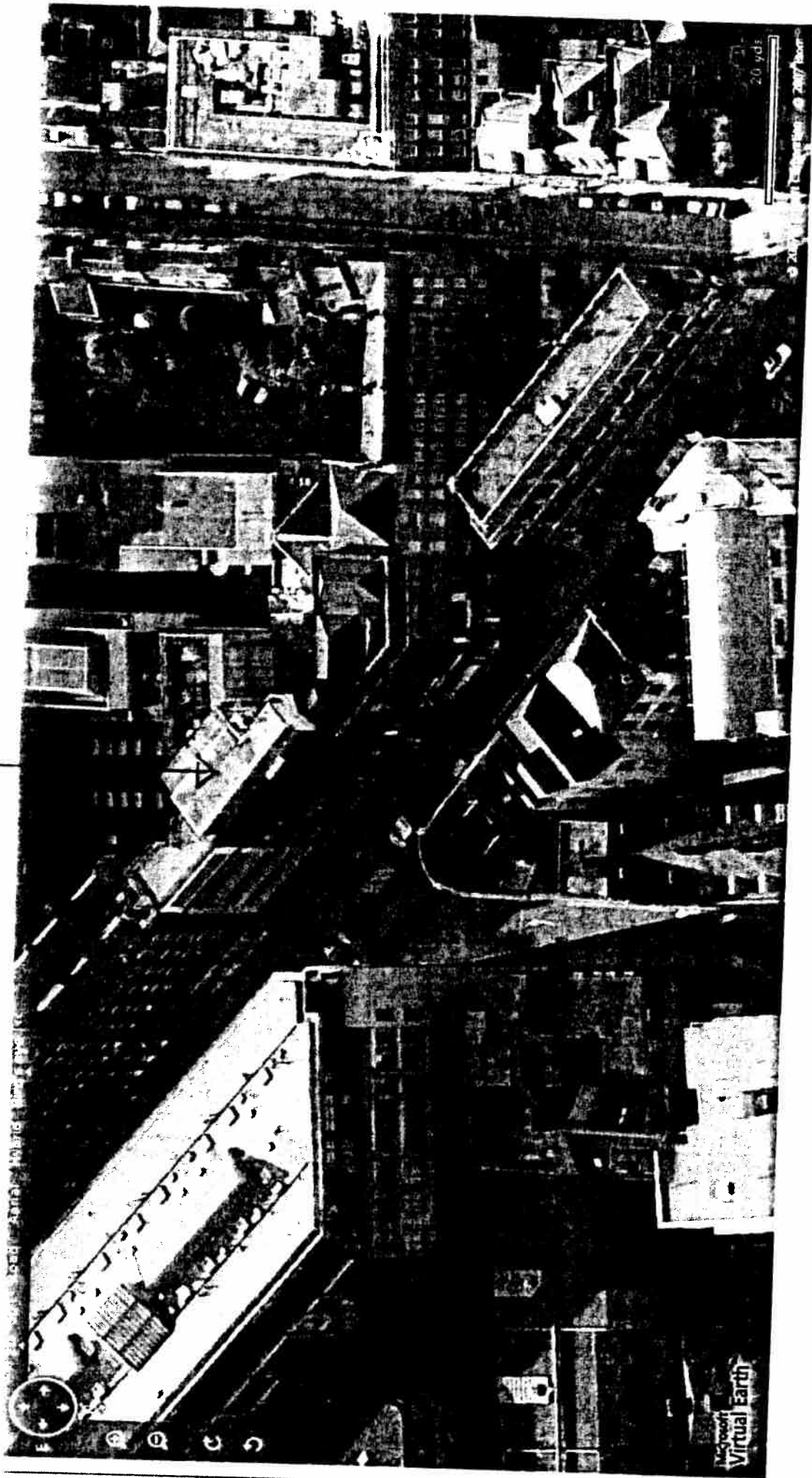
Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

APPENDIX 1

APPENDIX 1

157 COMMERCIAL STREET



APPENDIX 2

APPENDIX 2

**(Edge)
Ground and Basement Floor
157 Commercial Street
London
E1 6BJ**

Licensable Activities authorised by the licence
The sale by retail of alcohol
Regulated Entertainment
Late Night Refreshment

See the attached licence for the licence conditions

Signed by

John Cruse _____
Team Leader Licensing

Date: 16/11/05



Part A - Format of premises licence

Premises licence number

11840

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

(Edge)
Ground and Basement Floor
157 Commercial Street

Post town

London

Post code

E1 6BJ

Telephone number

020 7247 5123

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol
Regulated Entertainment
Late Night Refreshment

The times the licence authorises the carrying out of licensable activities

For the Supply of Alcohol

Ground Floor

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- c. On Good Friday, 12 noon to 10.30 p.m.
- d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.
- f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Alcohol may be sold or supplied (for one hour following the hours set out above and) (on Christmas day between 3p.m. and 7 p.m.) to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

For conditions re. "drinking up time" see
Annex 1 Mandatory Conditions

Basement Only

Monday to Thursday 11 00 hrs to 02 00 hrs the following morning
Friday and Saturday 11 00 hrs to 04 00 hrs the following morning
Sunday 11 00 hrs to midnight

Late Night Refreshment

Ground Floor

See Appendix 1 for further permissions

Basement Only

Monday to Thursday until 02 00 hrs the following morning
Friday and Saturday until 04 00 hrs the following morning
Sunday until midnight

Regulated Entertainment

Ground Floor

See Appendix 1 for further conditions

Basement Only

Monday to Thursday 18 00 hrs to 02 00 hrs the following morning
Friday and Saturday 18 00 hrs to 04 00 hrs the following morning
Sunday 18 00 hrs to midnight

For all regulated activities

An additional hour to the standard and non-standard timings on the day when British
Summertime commences.

From the standard start timing on 31 December to the standard finish timing on 1 January

The opening hours of the premises

The premises is permitted to remain open to the public for 30 minutes after the last permitted activity

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

On sales

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Jaspal Singh and Mr Gulzar Rathor
157 Commercial Street
London
E1 6BJ

0207 247 5123

Registered number of holder, for example company number, charity number (where applicable)

Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Fadi Abouchaar
304 Rhodeswell Road
London E14 7US

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

London Borough Tower Hamlets
Licence No. 10279

Annex 1 - Mandatory conditions

Alcohol

No supply of alcohol may be made under the premises licence-

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

Door Supervisors

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, such individuals must be licensed with the Security Industry Authority.

This does not apply to premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001, (premises with premises licences authorising plays or films), or

in respect of premises in relation to-
any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
any occasion within paragraph 8(3)(d) of Schedule 2 (occasions prescribed by regulations under that Act) unless the Licence specifically states otherwise.

Security activity means an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 of that schedule applies, and
Paragraph 8(5) of Schedule 2 (interpreting of references to an occasion) applies as it applies in relation to paragraph 8 of Schedule 2 of the Private Security Industry Act 2001

Conditions for the Ground Floor

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- c. On Good Friday, 12 noon to 10.30 p.m.
- d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.
- f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there; or
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

Alcohol may be sold or supplied (for one hour following the hours set out above and) (on Christmas day between 3p.m. and 7 p.m.) to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

Children in Bars

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (1) He is the child of the holder of the premises licence.
- (2) He resides in the premises, but is not employed there.
- (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Private Entertainment

The premises may be used for the following purpose, that is to say, dancing, music, or other entertainment of the like kind which-

- a) is not a public entertainment but
- b) is promoted for private gain

Public Entertainment

Public Entertainment consisting of music and singing provided solely by the reproduction of recorded sound

Annex 2 - Conditions consistent with the operating Schedule

Regulated Entertainment consists of live music, recorded music, the performance of dance, (and anything similar), and dance only
Dance will be restricted to the dance floor area only
Entertainment is restricted to the basement area
No children are permitted into the basement

Annex 3 - Conditions attached after a hearing by the licensing authority

1. The capacity of the basement area is 215 people, including staff
2. A minimum of two registered door supervisors are to be present whenever the premises is open to the public
3. The number of patrons on the premises is to be recorded by the use of clickers at all times
4. A person capable of acting on behalf of the premises licence holders must be present on the premises at all times a private event takes place
5. At all times the premises are open to the public emergency exit routes from the basement into the ground floor premises and to the street from there shall be readily available at all times
6. The premises licence holders must comply with all reasonable requests from Environmental Health and sound levels must be set and maintained in agreement with Environmental Health (Noise) officers
7. All noise emanating from the premises must not cause a statutory nuisance as set out in Section 79, Sub-section (1) paragraph (g) of the Environmental Protection Act 1990 within any other premises
8. The windows at the front of the premises are to be kept shut whilst the premises are used under this licence
9. Patrons are to be encouraged to remain inside whilst waiting for transport.
10. Signage to be displayed within the premises asking patrons to leave quietly and be respectful of residential amenity.
11. All bottled drinks to be served in plastic glasses.
12. Alcohol purchased in the premises must be consumed within the premises and not taken outside.

Annex 4 - Plans

The plans are those submitted to the licensing authority on the following date:
4 August 2005



TOWER HAMLETS

Licensing Act 2003

Part B - Premises licence summary

Premises licence number

11840

Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(Edge)

Ground and Basement Floor
157 Commercial Street

Post town London

Post code E1 6BJ

Telephone number 020 7247 5123

Where the licence is time limited the dates

N/a

Licensable activities authorised by the licence

The sale by retail of alcohol
Regulated Entertainment
Late Night Refreshment

The times the licence authorises the carrying out of licensable activities

Ground Floor

Alcohol shall not be sold or supplied except during permitted hours.
In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- c. On Good Friday, 12 noon to 10.30 p.m.
- d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.
- f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Alcohol may be sold or supplied (for one hour following the hours set out above and) (on Christmas day between 3p.m. and 7 p.m.) to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

Basement Only

Monday to Thursday 11 00 hrs to 02 00 hrs the following morning
Friday and Saturday 11 00 hrs to 04 00 hrs the following morning
Sunday 11 00 hrs to midnight

Late Night Refreshment

Ground Floor

See Appendix 1 for further permissions

Basement Only

Monday to Thursday until 02 00 hrs the following morning

Friday and Saturday until 04 00 hrs the following morning

Sunday until midnight

Regulated Entertainment

Ground Floor

See Appendix 1 for further conditions

Basement Only

Monday to Thursday 18 00 hrs to 02 00 hrs the following morning

Friday and Saturday 18 00 hrs to 04 00 hrs the following morning

Sunday 18 00 hrs to midnight

For all regulated activities

An additional hour to the standard and non-standard timings on the day when British Summertime commences.

From the standard start timing on 31 December to the standard finish timing on 1 January

See full licence for New Years Eve, non-standard times, drinking up and other conditions

Open 10 00 hrs close 30 minutes after the last regulated activity

The opening hours of the premises

Name, (registered) address of holder of premises licence

Mr Jaspal Singh and
Mr Gulzar Rathor
157 Commercial Street
London
E1 6BJ

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

On sales

Registered number of holder, for example company number, charity number (where applicable)

02922889

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Fadi Abouchaar

State whether access to the premises by children is restricted or prohibited

Yes

APPENDIX 3

STATEMENT OF WITNESS

(C.J. ACT 1967, S.9; M.C. ACT 1980 S. 102; M.C. RULES 1981 R.70)

Statement of Alkesh Harilal Solanki

Age of Witness (if over 18 enter "Over") Over 18

Occupation of Witness Environmental Health Officer

This statement consisting of 4 pages 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 in it anything which I know to be false or do not believe to be true.

Dated the 24th day of April 2007

Signed _____

Signature witnessed by _____

1 My full name is Alkesh Harilal Solanki and I work as an Environmental Health
 2 Officer for the London Borough of Tower Hamlets. Since graduating from University
 3 of Greenwich in July 1998 with a BSc Honours degree in Environmental Health, I
 4 have worked for both the London Borough's of Hackney and (currently) Tower
 5 Hamlets in the fields of environmental protection and noise pollution. I am authorised
 6 to enforce the statutory requirements of the Environmental Protection Act 1990,
 7 including that relating to noise nuisance. On the morning of Saturday 16th July 2005,
 8 I was working as the duty Environmental Health Officer on the Council's Out-of-
 9 Hours Noise Patrol Service. At 00.22 hours I received a call from the Emergency
 10 Call Centre detailing a complaint of an alleged noise nuisance in the form of loud
 11 music emanating from The Edge, 157 Commercial Street, London, E1 6BJ. At 00.25
 12 hours I telephoned the complainant who confirmed that the music was on and he

Signature _____

Signature witnessed by _____

STATEMENT OF WITNESS

(C.J. ACT 1967, S.9; M.C. ACT 1980 S.102; M.C. RULES 1981 R.70)

Continuation of statement of Alkesh Harilal Solanki

13 could not sleep. I arranged a visit to investigate the complaint of a statutory nuisance
14 as prescribed under section 79 of the Environmental Protection Act 1990 and to take
15 such steps as are reasonably practicable to investigate the complaint. At 00.39 hours I
16 visited the client flat which is on the ~~1st~~ floor, and in the complainant's master
17 bedroom I could clearly hear loud bass music. In my professional opinion the music
18 was being played at an excessively loud level and it would be impossible to sleep in
19 the bedroom. I was in no doubt that with music being played at such a level it was
20 causing a statutory nuisance to the complainant. I could feel the vibration through my
21 feet. I believe that the bass music was emanating from the basement of the flat, The
22 Edge, 157 Commercial Street, London, E1 6BJ. In the complainant's second
23 bedroom I could clearly hear bass music emanating from below. I put my hand on the
24 door frame and I could feel the low frequency through my hands. I was satisfied that
25 The Edge, 157 Commercial Street, London, E1 6BJ was causing a statutory noise
26 nuisance as defined by section 79(g) of the Environmental Protection Act 1990. The
27 complainant has no escape from the nuisance as the bass was also audible in the
28 hallway and bathroom. At 00.55 hours I visited the The Edge, 157 Commercial
29 Street, London, E1 6BJ and approached the doorman and introduced myself to him
30 and asked to speak to the licensee or designated premise supervisor. The doorman
31 introduced me to a man who was already standing outside the club. The man
32 informed me that he was the licensee and that his name was Mr Jas Singh. I
33 introduced myself to Mr Jas Singh and explained to him that I had witnessed a

Signature _____

Signature witnessed by _____

STATEMENT OF WITNESS

(C.J. ACT 1967, S.9; M.C. ACT 1980 S.102; M.C. RULES 1981 R.70)

Continuation of statement of Alkesh Harilal Solanki

34 statutory nuisance from the residential properties. I requested Mr Jas Singh that the
35 general music volume to be reduced and that the bass music be reduced as well. Mr
36 Jas Singh demanded to know who had complained so that he could evict him. I
37 advised him that his response comes across very aggressive. Mr Jas Singh refused to
38 accept that the music from his club was too loud that it could be heard in the upstairs
39 flats. I managed to get Mr Jas Singh to come with me to the residential lobby access
40 on the ground floor for the flats so that he could witness the bass music. Once inside
41 the lobby to the residential flats I asked Mr Jas Singh if he could hear the music to
42 which he replied "Yes". I then asked him where he thought the music was coming
43 from to which he replied "My Club". I explained to Mr Jas Singh that a section 80
44 noise abatement notice is likely to be served during the week by our department. Mr
45 Jas Singh then mentioned that he has done all the works as stipulated by the
46 environmental health department. I asked Mr Jas Singh to turn the music down but in
47 particular the bass music. At this point the complainant came downstairs and
48 introduced himself to Mr Jas Singh. Mr Jas Singh took this opportunity to ask the
49 complainant if he could play loud music until 02.00 hours. At 01.19 hours, I, once
50 again, asked Mr Jas Singh to go and turn the bass down. Mr Jas Singh agreed to this
51 and when he came back at 01.23 hours I noticed no change to the volume of the
52 music. The complainant was still present and Mr Jas Singh once again asked whether
53 he could play loud music until 02.00 hours. My request was not complied with to
54 abate the nuisance. The complainant agreed to Mr Jas Singh's request to allow him to

Signature _____

Signature witnessed by _____

STATEMENT OF WITNESS

(C.J. ACT 1967, S.9; M.C. ACT 1980 S.102; M.C. RULES 1981 R.70)

Continuation of statement of Alkesh Harilal Solanki

55 play loud music. As a result I left the Edge, 157 Commercial Street, London, E1 6BJ
56 at 01.34 hours.

Signature _____

Signature witnessed by _____

AF 115 3.2

STATEMENT OF WITNESS

(C.J. ACT 1967, S.9; M.C. ACT 1980 S. 102; M.C. RULES 1981 R.70)

Statement of John Anthony Goodrick

Age of Witness (if over 18 enter "Over") Over 18

Occupation of Witness Environmental Health Technical Officer

This statement consisting of / pages 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 in it anything which I know to be false or do not believe to be true.

Dated the 4th day of June 2007

Signed [Signature]

Signature witnessed by [Signature]

1 I John Anthony Goodrick will say. I am employed by the London borough of Tower
 2 Hamlets as a Technical Officer currently working within the Environmental Noise
 3 Team based at Anchorage House, 5 Clove Crescent, London E14. On 26th October
 4 2005 as a result of a number of noise complaints, I had occasion to issue a Notice
 5 under Section 80 of the Environmental Protection Act 1990 on the owner of the Edge
 6 Nightclub, 157 Commercial Street, London E1, a Mr Jazz Singh. The Notice was
 7 served by First Class Post and addressed to Jazz Singh at the club and I exhibit as
 8 "JAG1" a printout of the Notice as served and which was listed on the Council's Flare
 9 computer system. Mr Singh did not appeal the Notice.

Signature [Signature]

Signature witnessed by [Signature]

STATEMENT OF WITNESS

(C.J. ACT 1967, S.9; M.C. ACT 1980 S. 102; M.C. RULES 1981 R.70)

Statement of Abdur Ripon Rob
Age of Witness (if over 18 enter "Over") Over 18

Occupation of Witness Environmental Health Officer

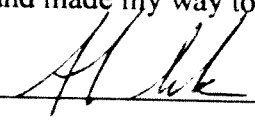
This statement consisting of _____ pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 18th day of October 2005

Signed 

Signature witnessed by _____

1 My full name is Abdur Ripon Rob and I work as an Environmental Health Officer for
2 the London Borough of Tower Hamlets. I have worked for the London Borough of
3 Tower Hamlets in the Environmental Protection South Team, since graduating from
4 King's College London University in July 2003 with a BSc Honours degree in
5 Environmental Health. I am authorised to enforce the statutory requirements of the
6 Environmental Protection Act 1990, including that relating to noise nuisance. On the
7 night of Saturday 06th August 2005 I was working as the duty Environmental Health
8 Officer on the Council's Out of Hours Noise Patrol Service. At 23.25 hours I
9 received details of a complaint of an alleged noise nuisance emanating from the
10 basement of 157 Commercial Street, London E1. At 23.58 hours I telephoned the
11 complainant who confirmed that the noise was audible in their flat so I agreed to visit
12 and assess for the existence of a statutory noise nuisance. At 00.26 hours I arrived at
13 the complainant's property and made my way to their bedroom. When standing in

Signature 

Signature witnessed by _____

STATEMENT OF WITNESS

(C.J. ACT 1967, S.9; M.C. ACT 1980 S. 102; M.C. RULES 1981 R.70)

Statement of Muhammad Islam

Age of Witness (if over 18 enter "Over") Over 18

Occupation of Witness Environmental Health Officer

This statement consisting of 2 pages 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 in it anything which I know to be false or do not believe to be true.

Dated the 21st day of December 2006

Signed M Islam

Signature witnessed by _____

1 My name is Muhammad Islam. I am a qualified Environmental Health Officer. I hold
 2 a Bachelor of Science Degree with Honours in Environmental Health and a Master of
 3 Science in Environmental and Architectural Acoustics. I am currently employed by
 4 the London Borough of Tower Hamlets. On the morning of 7th December 2006 I was
 5 on the Councils out of Hours Noise Patrol Service. At 00.40 hours I was contacted by
 6 Tower Hamlets Emergency Service at the request of the tenant of flat 157
 7 Commercial Street, London, E1 complaining about loud music from the Edge Bar. At
 8 00.46 hours I phoned the complainant and agreed to visit as the music was still loud. I
 9 arrived at the complainant's flat at 01.15 hours and was taken to the bedroom which is
 10 situated above the Edge Bar. I heard loud base beats in the bedroom coming from
 11 below and which was loud enough to disturb and or interfere with sleep. The music
 12 was on for five minutes and then stopped at 01.20 hours. The music was loud enough

Signature M Islam

Signature witnessed by _____

STATEMENT OF WITNESS

(C.J. ACT 1967, S.9; M.C. ACT 1980 S.102; M.C. RULES 1981 R.70

Continuation of statement of Muhammad Islam

- 13 to be a statutory nuisance as defined under Section 79 (g) of the Environmental
14 Protection Act 1990.

Signature 

Signature witnessed by _____

STATEMENT OF WITNESS

(C.J. ACT 1967, S.9; M.C. ACT 1980 S. 102; M.C. RULES 1981 R.70)

Statement of Lorraine Theresa Woods

Age of Witness (if over 18 enter "Over") Over 18

Occupation of Witness Environmental Health Technical Officer

This statement consisting of 2 pages 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 in it anything which I know to be false or do not believe to be true.

Dated the 4th day of January 2007

Signed Lorraine Woods

Signature witnessed by _____

1 My name is Lorraine Woods. I am an Environmental Health Technical Officer
 2 employed by the London Borough of Tower Hamlets. On the evening of 23rd
 3 December 2006 I was the duty Officer for the Council's out of hour's noise patrol
 4 service which operates between 20:00 – 04:00 hours. At 00:47 hours on the 24th
 5 December 2006 I was contacted by the Tower Hamlets Emergency Call Centre, at the
 6 request of the occupant of Flat ●, 157 Commercial Street, London E1 6BJ, who was
 7 complaining of loud music emanating from a bar/nightclub below, called The Edge,
 8 157 Commercial Street, London E3 6BJ. The complainant's property is located on the
 9 ~~157~~ floor above the premises. When I telephoned the complainant at 00:57 I was told
 10 that the music was still ongoing, accompanied by an MC talking loudly and I agreed
 11 to visit. When I arrived at 01:29 hours I went into the rear bedroom where I could
 12 hear a heavy bass beat and singing. The front room of the property was not affected

Signature Lorraine Woods

Signature witnessed by _____

STATEMENT OF WITNESS

(C.J. ACT 1967, S.9; M.C. ACT 1980 S.102; M.C. RULES 1981 R.70

Continuation of statement of _____

13 due to traffic noise. When I went back into the rear bedroom I could still hear the bass
14 and found that it was louder behind the complainant's bed. I was of the opinion that
15 the noise was particularly intrusive and I was satisfied that it was a statutory nuisance
16 as defined by section 79(g) of the Environmental Protection Act 1990. When I left the
17 flat the music was clearly audible in the communal areas near the lift and stairs. At
18 01:37 hours I telephoned the club owner, Mr Singh, and asked him to reduce the
19 volume and bass. I found that there was no reduction and at 01:43 hours I went to the
20 club and discussed the matter further with Mr Singh. He advised me that he had
21 recently employed a consultant to carry out sound tests and remedial sound insulation
22 works were due to start in the near future. When I left at approximately 02:00 hours I
23 was satisfied that there had been a reduction in the volume and bass. I returned to my
24 office and on checking the case file found that a Notice under section 80 of the
25 Environmental Protection Act 1990 had been served on the 25th October 2005 by Mr
26 John Goodrick. In my opinion the statutory nuisance I witnessed was a breach of the
27 section 80 Notice served by John Goodrick.

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33

Signature *Lennie Blood*

Signature witnessed by _____

STATEMENT OF WITNESS

(C.J. ACT 1967, S.9; M.C. ACT 1980 S. 102; M.C. RULES 1981 R.70)

Statement of Lorraine Theresa Woods

Age of Witness (if over 18 enter "Over") Over 18

Occupation of Witness Environmental Health Technical Officer

This statement consisting of 2 pages 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 in it anything which I know to be false or do not believe to be true.

Dated the 15th day of January 2007

Signed _____

Signature witnessed by _____

1 My name is Lorraine Woods. I am currently employed by the London Borough of
2 Tower Hamlets as an Environmental Health Technical Officer, part of my duties
3 include dealing with complaints of noise nuisance. At 00:01 hours on January 14th
4 2007, whilst working on the Council's out of hour's noise patrol, I received a
5 complaint via the Tower Hamlets Emergency Call Centre of loud music emanating
6 from a bar/club called The Edge, 157 Commercial Street, London E1 6BJ. The
7 complainant lives on the ~~1st~~ floor above the premises at Flat ~~1~~, 157
8 Commercial Street, London E1 6BJ. I contacted the complainant at 00:19 hours and
9 was advised that the music was still audible and I agreed to visit. When I entered the
10 communal area on the ground floor I could hear music emanating from The Edge. On
11 entering the hallway of Flat 1 at 01:02 hours I could hear music with a heavy bass. I
12 went into the rear bedroom and could hear music with a very heavy bass; it was also

Signature _____

Signature witnessed by _____

STATEMENT OF WITNESS

(C.J. ACT 1967, S.9; M.C. ACT 1980 S.102; M.C. RULES 1981 R.70

Continuation of statement of _____

13 audible in the front living room. At 01:05 hours I returned to the rear bedroom and
14 heard a male voice talking over a microphone for a few seconds and again at 01:08. I
15 found that the bass was audible all in all the rooms that I entered and there was no
16 escape from the music. I was of the opinion that the noise was particularly intrusive
17 and I was satisfied that it was a statutory nuisance as defined by section 79(g) of the
18 Environmental Protection Act 1990 and was therefore a breach of the section 80
19 Notice served by John Goodrick on 25th October 2005. When I left Flat 1 at 01:11 I
20 got into the lift where the music was clearly audible. On the advice given to me by my
21 Lead Officer, Muhammed Islam, I did not approach the perpetrator.

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Signature _____

Signature witnessed by _____

Request reference number: 072330

AD-FIN 3.7

FULL DETAILS OF CLIENT

██████████
Flat ●
Flat ● 157 Commercial Street
POSTCODE: E1 6BJ
TELNO: ██████████
CLIENT UPRN/USRN: 6151962
CLIENT EASTING: 534589
CLIENT NORTHING: 181346
HOW RECEIVED: P - Telephone
DATE SERVICE REQUEST RECEIVED : 04/02/2007

NAME OF PERSON COMPLAINED AGAINST

ADDRESS COMPLAINED AGAINST

DETAILS OF SERVICE REQUEST

lm

COMPLAINT CATEGORY: L07 - OOH_Noise music-domestic stereo
COMPLAINT TYPE: N11 - Noise between 8.00pm & 3.30am
COUNTRY OF TRADE: GB - UNITED KINGDOM
UNIT: NOT - EH North
INVESTIGATING OFFICER: ALS - Alkesh Solanki
RECEIVING OFFICER: MI - Muhammad Islam

DATES

DATE RECEIVED: 04/02/2007 TIME: 0.42
DATE OF FIRST RESPONSE: 04/02/2007 TIME: 1.19
DATE CLOSED: 07/02/2007
TARGET RESPONSE DATE: 04/02/2007 TIME: 1.42

5/ 2/2007 8:37 SG

01.19 visit agreed.

01.52 visit music (bass beats audible @ street level as we passed the club to go to complainants flat. Bass beats clearly audible in comps bedroom. Is a SN as it would disturbe / prevent sleep.

RESULT AND FURTHER ACTION

ACTION TYPE: N01 - Noise action
Action record initiated under record number 76010

1	144 Telephone call made	04/02/2007 04/02/2007 MI
2	146 Visit	04/02/2007 04/02/2007 MI
3	108 Please note information	07/02/2007 07/02/2007 ALS

STATEMENT OF WITNESS

(C.J. ACT 1967, S.9; M.C. ACT 1980 S. 102; M.C. RULES 1981 R.70)

Statement of Abdur Ripon Rob

Age of Witness (if over 18 enter "Over") Over 18

Occupation of Witness Environmental Health Officer

This statement consisting of _____ pages 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 in it anything which I know to be false or do not believe to be true.

Dated the 18th day of April 2007

Signed _____

Signature witnessed by _____

1 My full name is Abdur Ripon Rob and I work as an Environmental Health Officer for
2 the London Borough of Tower Hamlets. I have worked for the London Borough of
3 Tower Hamlets in the Environmental Protection South Team, since graduating from
4 King's College London University in July 2003 with a BSc Honours degree in
5 Environmental Health. I am authorised to enforce the statutory requirements of the
6 Environmental Protection Act 1990, including that relating to noise nuisance. On the
7 night of Saturday 31st March 2007 I was working as the duty Environmental Health
8 Officer on the Council's Out of Hours Noise Patrol Service. At 00.54 hours I
9 received details of a complaint of an alleged noise nuisance emanating from the
10 basement of 157 Commercial Street, London E1 known as the Edge night club. I
11 telephoned the complainant who confirmed that the noise was audible in their flat so I
12 agreed to visit and assess for the existence of a statutory noise nuisance. At 01.11
13 hours I arrived at the complainant's property and I could clearly hear bass music in

Signature _____

Signature witnessed by _____

STATEMENT OF WITNESS

(C.J. ACT 1967, S.9; M.C. ACT 1980 S.102; M.C. RULES 1981 R.70

Continuation of statement of _____

14 the hall area. I then made my way into the bedroom. When standing in this room I
15 could clearly hear heavy bass beats although not as loud as in the hall area. The bass
16 music was audible on top of the road traffic noise. The bass music stopped for a short
17 period then came back on again. The complainant alleged that the noise was
18 emanating from the 'Edge' Club situated at the basement. The level of noise audible
19 in the complainant's property throughout my stay was such that in my opinion the
20 intrusion could not be ignored and it would be unreasonable for any reasonable person
21 to conduct reasonable activities without disturbance and was therefore a statutory
22 nuisance as defined by section 79(g) of the Environmental Protection Act 1990. I left
23 the complainants flat and walked down to the ground floor and out of the entrance to
24 the flat and turned left and made my way to the Edge Club. The bass beats were
25 clearly audible as I walked down the stairs serving the flats. I approached the bouncer
26 at the entrance to the club and made a request to speak to the manager of the club. I
27 could hear the same type music emanating from the club with bass beats similar to
28 that witnessed in the complainants flat. The manager of the club was summoned and
29 he met me at the entrance to the club and introduced himself as Mr Viraj Singh. I
30 explained to Mr Viraj Singh the reason for my visit and informed him that the level of
31 music particularly the bass music emanating from the club was excessive and was a
32 statutory noise nuisance in my professional opinion. At this point Mr Viraj Singh
33 motioned for me to come into his club and have a look at the sound insulation works
34 he had undertaken to alleviate the noise problems at the request of the Council's

Signature _____

Signature witnessed by _____

STATEMENT OF WITNESS

(C.J. ACT 1967, S.9; M.C. ACT 1980 S.102; M.C. RULES 1981 R.70

Continuation of statement of _____

35 Environmental Health Department. I informed him that I am not the case officer and
36 therefore do not have the details of the case, however I agreed to his request. I went
37 down the stairs into the basement of the club and was taken to the rear of the
38 premises. I saw that the people in the club were mostly white young males and
39 females. Mr Viraj Singh showed me the lift shaft that had been blocked off and the
40 types of material that he had used. I explain that the level of bass music witnessed by
41 me emanating from his club tonight was audible and intrusive in the complainants flat
42 and therefore he needs to get his acoustician back to ascertain the source of the
43 problem and take further remedial action. I left the premises at 01:40 hours.

Signature _____

Signature witnessed by _____

STATEMENT OF WITNESS

(C.J. ACT 1967, S.9; M.C. ACT 1980 S. 102; M.C. RULES 1981 R.70)

Statement of Abdur Ripon Rob

Age of Witness (if over 18 enter "Over") Over 18

Occupation of Witness Environmental Health Officer

This statement consisting of _____ pages 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 in it anything which I know to be false or do not believe to be true.

Dated the 18th day of April 2007

Signed _____

Signature witnessed by _____

1 My full name is Abdur Ripon Rob and I work as an Environmental Health Officer for
 2 the London Borough of Tower Hamlets. I have worked for the London Borough of
 3 Tower Hamlets in the Environmental Protection South Team, since graduating from
 4 King's College London University in July 2003 with a BSc Honours degree in
 5 Environmental Health. I am authorised to enforce the statutory requirements of the
 6 Environmental Protection Act 1990, including that relating to noise nuisance. On the
 7 night of Saturday 7th April 2007 I was working as the duty Environmental Health
 8 Officer on the Council's Out of Hours Noise Patrol Service. At 00.15 hours I
 9 received details of a complaint of an alleged noise nuisance emanating from the
 10 basement of 157 Commercial Street, London E1 known as the Edge night club. I
 11 telephoned the complainant at 00:23 who confirmed that the noise was audible in their
 12 flat so I agreed to visit and assess for the existence of a statutory noise nuisance. At
 13 01.09 hours I arrived at the complainant's property and I could clearly hear bass

Signature _____

Signature witnessed by _____

STATEMENT OF WITNESS

(C.J. ACT 1967, S.9; M.C. ACT 1980 S.102; M.C. RULES 1981 R.70)

Continuation of statement of _____

14 music and a DJ MCing from time to time. This complainant was different to the one
15 that I had visited on the previous Saturday night. I made my way into the bedroom.
16 When standing in this room I could clearly hear heavy bass beats. I walked up the
17 stairs and made my way into the living room area of the complainant's property.
18 When standing in this room I could hear bass music. The level of bass music in this
19 room was not as clear as in the bedroom as the road traffic noise was more prominent.
20 From my previous visit I knew that the most likely source of the noise was the 'Edge'
21 Club situated at the basement. The level of noise audible in the complainant's
22 property throughout my stay was such that in my opinion the intrusion could not be
23 ignored and it would be unreasonable for any reasonable person to conduct reasonable
24 activities without disturbance and was therefore a statutory nuisance as defined by
25 section 79(g) of the Environmental Protection Act 1990. I left the complainant's flat
26 and walked down to the ground floor and out of the entrance to the flat and made my
27 way to the Edge Club. The bass beats were clearly audible as I walked down the
28 stairs serving the flats. I approached the bouncer at the entrance to the club and made
29 a request to speak to the manager of the club. I could hear the same type music
30 emanating from the club with bass beats similar to that witnessed in the complainants
31 flat. The manager of the club was summoned and he met me at the entrance to the
32 club and introduced himself as Mr Jazz. I explained to Mr Jazz the reason for my
33 visit and while speaking to him, Mr Viraj Singh came and I informed them both that
34 again, the level of music particularly the bass music emanating from the club was

Signature _____

Signature witnessed by _____

STATEMENT OF WITNESS

(C.J. ACT 1967, S.9; M.C. ACT 1980 S.102; M.C. RULES 1981 R.70)

Continuation of statement of _____

35 excessive and was a statutory noise nuisance in my professional opinion. At this
36 point Mr Viraj Singh stated 'not again' and left me to speak to Mr Jazz. At this point
37 another elderly Asian male came and stated that he was the brother of Mr Jazz and
38 Viraj Singh. I explained that tonight the bass music was once again the problem and
39 asked him if they were using any large bass speakers. Mr Jazz stated "no" and asked
40 for me to go into the club to verify this. I went down the stairs into the basement of
41 the club and saw speakers mounted on the wall and did not see any large bass
42 speakers situated on the floor. On this night the type of people in the club where
43 mostly of Asian origin with 'Bhangrah' type music being played. I motioned for Mr
44 Jazz and his brother to follow me into the stairwell that serves the residential flats
45 situated on top of the Edge Club to get an idea of how intrusive the noise from the
46 club is within the residential flats. We made our way out of the club and went
47 through the security doors that lead into the stairwell that serves the flat. They agreed
48 that they could hear the bass music when standing in this area. I informed them that
49 the level of noise in the flat is not too dissimilar to the current level that they were
50 witnessing and would certainly interfere with sleep within the flats. They agreed that
51 it was not an ideal situation, in that one side wanted to party and the other side wished
52 to sleep within the same building. Mr Jazz informed me that he was applying for a
53 Gentleman Clubs license and once that is obtained, noise will not be an issue as they
54 will only have background music. I explained that the level of bass music witnessed
55 by me emanating from the club tonight was a Statutory Noise Nuisance and that it

Signature _____

Signature witnessed by _____

STATEMENT OF WITNESS

(C.J. ACT 1967, S.9; M.C. ACT 1980 S.102; M.C. RULES 1981 R.70

Continuation of statement of _____

56 was up to them to take action to alleviate the nuisance, by taking action such as
57 reducing the level of bass music. I left the premises at 02:00 hours and did not
58 witness any reduction in the level of bass music.

Signature _____

Signature witnessed by _____

STATEMENT OF WITNESS

(C.J. ACT 1967, S.9; M.C. ACT 1980 S. 102; M.C. RULES 1981 R.70)

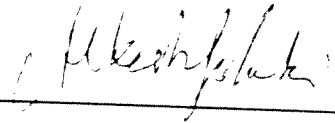
Statement of Alkesh Harilal Solanki

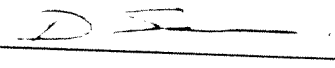
Age of Witness (if over 18 enter "Over") Over 18

Occupation of Witness Environmental Health Officer

This statement consisting of 4 pages 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 in it anything which I know to be false or do not believe to be true.

Dated the 24th day of April 2007

Signed 

Signature witnessed by 

1 My full name is Alkesh Harilal Solanki and I work as an Environmental Health
2 Officer for the London Borough of Tower Hamlets. Since graduating from University
3 of Greenwich in July 1998 with a BSc Honours degree in Environmental Health, I
4 have worked for both the London Borough's of Hackney and (currently) Tower
5 Hamlets in the fields of environmental protection and noise pollution. I am authorised
6 to enforce the statutory requirements of the Environmental Protection Act 1990,
7 including that relating to noise nuisance. On the evening of Friday 13th April 2007, I
8 was working as the duty Environmental Health Officer on the Council's Out-of-Hours
9 Noise Patrol Service. At 23.20 hours I received a call from the Emergency Call
10 Centre detailing a complaint of an alleged noise nuisance in the form of loud music
11 emanating from The Edge, 157 Commercial Street, London, E1 6BJ. At 23.23 hours I
12 telephoned the complainant and left an answer phone message to call back if music is

Signature 

Signature witnessed by 

STATEMENT OF WITNESS

(C.J. ACT 1967, S.9; M.C. ACT 1980 S.102; M.C. RULES 1981 R.70)

Continuation of statement of Alkesh Harilal Solanki

13 still a problem. At 00.10 hours I received a call from the Emergency Call Centre
14 advising me that the complainant had called back regarding the alleged noise nuisance
15 in the form of loud music emanating from The Edge, 157 Commercial Street, London,
16 E1 6BJ. At 00.56 hours I telephoned the complainant who confirmed that the music
17 was on and she could not sleep. I arranged a visit to investigate the complaint of a
18 statutory nuisance as prescribed under section 79 of the Environmental Protection Act
19 1990 and to take such steps as are reasonably practicable to investigate the complaint.
20 At 01.05 hours, in the complainant's bedroom I could clearly hear loud bass music.
21 In my professional opinion the music was being played at an excessively loud level
22 and it would be impossible to sleep in the bedroom. I was in no doubt that with music
23 being played at such a level it was causing a statutory nuisance to the complainant. I
24 believe that the bass music was emanating from below, The Edge, 157 Commercial
25 Street, London, E1 6BJ. In the complainant's living room with the windows closed I
26 could clearly hear bass music emanating from below. I was satisfied that The Edge,
27 157 Commercial Street, London, E1 6BJ was causing a statutory noise nuisance as
28 defined by section 79(g) of the Environmental Protection Act 1990. The complainant
29 has no escape from the nuisance as the bass was also audible in the hallway and
30 bathroom. At 01.20 hours I approached the doorman standing outside The Edge, 157
31 Commercial Street, London, E1 6BJ and requested to speak to the person having
32 control or the manager. Moments later a man from inside the venue came outside to
33 speak to me. This man introduced himself as Mr Ray Singh. I interviewed Mr Singh

Signature _____

Signature witnessed by  _____

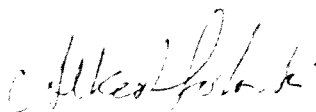
STATEMENT OF WITNESS

(C.J. ACT 1967, S.9; M.C. ACT 1980 S.102; M.C. RULES 1981 R.70)

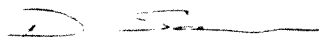
Continuation of statement of Alkesh Harilal Solanki

34 and was advised by Mr Ray Singh that he was the manager at the edge tonight. I
35 requested to Mr Singh that the general music volume be reduced and that the bass
36 music be reduced too. After lengthy discussion my request was fully complied with
37 at 01.39 hours. I stepped aside at 01.44 hours and contacted the complainant by
38 mobile phone. I asked the complainant if the music was still a problem. The
39 complainant advised me that the music is no longer audible in her bedroom. After my
40 phone conversation ended with the complainant I approached Mr Ray Singh and
41 asked what measure he had taken to reduce the noise to comply with my request. Mr
42 Ray Singh advised me that he had turned the music completely off. Mr Ray Singh
43 continued to debate issues relating to the Edge with me until 02.03 hours. I left the
44 Edge, 157 Commercial Street, London, E1 6BJ at 02.06 hours.

Signature



Signature witnessed by



STATEMENT OF WITNESS

(C.J. ACT 1967, S.9; M.C. ACT 1980 S. 102; M.C. RULES 1981 R.70)


Statement of Okey Ngoka

Age of Witness (if over 18 enter "Over") Over 18

Occupation of Witness Environmental Health Technical Officer

This statement consisting of 3 pages 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 in it anything which I know to be false or do not believe to be true.

Dated the 18th day of May 2007

Signed 

Signature witnessed by _____

1 My name is Okey Ngoka and I work as an Environmental Health Technical Officer
 2 for the London Borough of Tower Hamlets. I have worked for the London Borough
 3 of Tower Hamlets in the Environmental Protection Strategy Team, since graduating
 4 from Birbeck College, University of London in October 2005 with a MSc degree in
 5 Environmental Science. I am authorised to enforce the statutory requirements of the
 6 Environmental Protection Act 1990. I worked on the council's "Out of Hours noise
 7 service" on 23 June 2007. I received a call about mid night informing me of a
 8 complaint by ~~XXXXXX~~ of Flat ~~1~~, 157 Commercial Street, London E1 6BJ. I called ~~XXXX~~
 9 ~~XXXX~~ back at 00:45 and he confirmed that the noise was from the Edge Night club and
 10 was still going on. I arrived ~~XXXXXX~~ Flat at 01:15 and could hear the low
 11 frequency base music clearly. I took the time, and noise level into account and assess
 12 it as statutory nuisance. I went and spoke to the club manager who agreed to turn the

Signature 

Signature witnessed by _____

STATEMENT OF WITNESS

(C.J. ACT 1967, S.9; M.C. ACT 1980 S.102; M.C. RULES 1981 R.70

Continuation of statement of _____

- 13 music down. I called ████████ back and he was okay with the outcome. I left the
14 premises at 02:13. **END**

Signature _____ 

Signature witnessed by _____

STATEMENT OF WITNESS

(Criminal Justice Act 1967, S.9; M.C. Act 1980 S.102; MC Rules 1981, r.70)

Statement of: **Ben Milligan**

Age of Witness (if over 18 enter "Over 18"): **Over 18**

Occupation of Witness: Environmental Health Officer

This statement consisting of 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.

Date: 21st of February 2008.

Signed Ben Milligan

I, Ben Milligan produce this witness statement. I have been an Environmental Health Officer for 13 months, and am currently working for Tower Hamlets Council as part of the Environmental Health Commercial Team. I hold a BSc (Hons) in Environmental Health, and a REHIS diploma in Environmental Health. I am an authorised officer under the Environmental Protection Act 1990.

On the night of the 8th of January 2008 I was on duty for the Tower Hamlets night noise team. My shift ran from 20.00 on the 8th of February until 04.00 on the 9th of February. I was working with a security officer, Mohammed Akhtar HUSSAIN. At 00.22 I took the details of a noise complaint that had just come into the call centre (see Exhibit BM1). It was from a [REDACTED] of flat 1, 157 Commercial Street, E1 6BJ. He was complaining of loud music emanating from the Edge nightclub (also at 157 Commercial Street).

Signature Ben Milligan

Signature Witnessed by _____

I then got another call from the call centre to tell me there was a second complaint about the Edge nightclub from [REDACTED] of Flat [REDACTED], 157 Commercial Street E1 6BJ. I recorded the details at 12.25 on the 9th of February 2008 (see Exhibit BM2). Since it was such a busy night I was not able to call [REDACTED] back until 01.11. Unfortunately there was no answer, so I left a message for him to say that we had another complaint about the premises and that we would follow that one up. I then called [REDACTED] at 01.13. [REDACTED] informed me that the nuisance was still occurring. I informed him that we were on Commercial Street and asked him if we could come into his house to witness the nuisance. He agreed. At 01.15 we entered [REDACTED]'s house. The noise was a definite statutory nuisance. Despite being several floors up the noise was very loud and the floor in the flat was vibrating with the bass of the music. I informed [REDACTED] that it was a statutory nuisance and that I would talk to the management in the Edge to see if I could get them to turn the music down to an acceptable level.

Since there had been complaints about the premises before HUSSAIN knew that the Edge was not allowed to operate after 12 midnight. (see Exhibit BM3 for planning application and BM4 for licence). From outside I could clearly hear very loud music. I asked the bouncers if I could speak to someone in charge and they went to find Michael SIMON. SIMON informed me that he was in charge and that it was a private party. I then asked SIMON why they had an A4 poster on the door stating that it was £10 entry into the nightclub if it was a private party? He laughed and didn't answer the question. I then told SIMON that there had been two complaints with regard to noise from the premises and that they were operating out-with their authorized hours of business. At this point SIMON asked if we could go to one side to sort things out. I stated that there was an ongoing investigation into the case and that I would write up

Signature _____

Signature Witnessed by _____

my findings for a case officer when I returned to the office, but in the meantime he should turn down the music to an acceptable level. He asked HUSSAIN and me into the club so that we could come to an agreement on a noise level. I declined his offer and instead asked him to radio down to someone to tell them to turn the music down. SIMON then called someone inside the club and the music was turned down markedly. I asked SIMON what time they would be operating until, and he said 03.00. I then asked SIMON for a contact telephone number. He gave me his number...07947816534.

HUSSAIN and I then left the scene at 01.32 and I wrote my notes to pass to the case officer.

I did not call the complainant back because they asked me not to.

Signature _____

Signature Witnessed by _____

APPENDIX 3.13

STATEMENT OF WITNESS

(Criminal Justice Act 1967, S.9; M.C. Act 1980 S.102; MC Rules 1981, r.70)

Statement of: **Ben Milligan**

Age of Witness (if over 18 enter "Over 18"): **Over 18**

Occupation of Witness: Environmental Health Officer

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.

Date: 14th of March 2008.

Signed Ben Milligan

I, Ben Milligan produce this witness statement. I have been an Environmental Health Officer for 13 months, and am currently working for Tower Hamlets Council as part of the Environmental Health Commercial Team. I hold a BSc (Hons) in Environmental Health, and a REHIS diploma in Environmental Health. I am an authorised officer under the Environmental Protection Act 1990.

On the night of the 29th of February/morning of the 1st of March 2008 I was on duty for the Tower Hamlets night noise team. My shift ran from 20.00 on the 29th of February until 04.00 on the 1st of March. I was working with a security officer, Mohammed Akhtar HUSSAIN. At 00.10 I took the details of a noise complaint that had just come into the call centre (see Exhibit BM5). It was from a [REDACTED] of Flat 10, 157 Commercial Street E1 6BJ. He was complaining of loud music emanating from the Edge nightclub (also at 157 Commercial Street). I recorded the details at the time, and called [REDACTED] back at 12.35am. He told me that the noise was still a problem, so I decided to visit his house. At 01.03am I visited [REDACTED]'s home and

Signature Ben Milligan

Signature Witnessed by _____

witnessed the noise nuisance coming from the EDGE nightclub. As with the previous complaint, the floor was vibrating with the level of bass. I informed ████████ that I would approach the Edge and ask them to turn the music down. When I approached the Edge I asked the bouncers if I could speak to the manager. Jaspal SINGH came out to talk to me (the owner). I introduced myself and explained the situation. He asked if the problem was with the houses at the back of the club or at the front. I generally stated that they were somewhere near the back. He said that there was a different part to the club at the back and that he would ask the DJ in that part of the club to turn the music down.

I then asked SINGH if he was aware that he should not be operating past 12 midnight and that he had been served notice that day (29th Feb 08). He stated that he was aware of this, and that he was seeking legal representation and he was operating on the night of the 29th/ morning of the 1st because he was going to appeal the notice. He then told me that he was in the process of selling the club, so "it wasn't his problem any more". I concluded the visit and asked for a contact number. He gave me 0207 247 5123.

HUSSAIN and I then left the scene, and at 01.40, it was noted that the music had been turned down dramatically and a nuisance no longer existed. I then wrote up my notes to pass to the case officer.

I did not call the complainant back because they asked me not to.

Signature *Jaspal Singh*

Signature Witnessed by _____

STATEMENT OF WITNESS

(Criminal Justice Act 1967, S.9; M.C. Act 1980 S.102; MC Rules 1981, r.70)

Statement of: **Ben Milligan**

Age of Witness (if over 18 enter "Over 18"): **Over 18**

Occupation of Witness: Environmental Health Officer

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.

Date: 20th March 2008.

Signed Ben Milligan

I, Ben Milligan produce this witness statement. I have been an Environmental Health Officer for 13 months, and am currently working for Tower Hamlets Council as part of the Environmental Health Commercial Team. I hold a BSc (Hons) in Environmental Health, and a REHIS diploma in Environmental Health. I am an authorised officer under the Environmental Protection Act 1990.

On the night of the 15th of March/morning of the 16th of March 2008 I was on duty for the Tower Hamlets night noise team. My shift ran from 20.00 on the 15th of March until 04.00 on the 16th of March. I was working with a security officer, Paul RICHARD. At 00.17 I took the details of a noise complaint that had just come into the call centre. It was from a ~~XXXXXX~~ of Flat ●, 157 Commercial Street E1 6BJ. He was complaining of loud music emanating from the Edge nightclub (also at 157 Commercial Street). I recorded the details at the time on a request for service sheet (see Exhibit BM6), and called ~~XXXXXX~~ back at 12.25am. I asked if it was the usual problem and he said yes. I asked if he wanted me to witness the nuisance and he said

Signature Ben Milligan

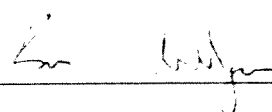
Signature Witnessed by _____

yes. At 01.05am I visited [REDACTED]'s home and witnessed the noise nuisance coming from the EDGE nightclub. The nuisance was not at such a high level as in previous weeks, however it was still a nuisance. I informed [REDACTED] that I would approach the Edge and ask them to turn the music down. I approached the Edge at 1.10am and asked the bouncers if I could speak to Jaspal SINGH. SINGH came out to talk to me. I explained the situation and he was incredulous that the volume of the music was too high. I told him that although it was lower than usual, it still needed turning down somewhat. He said that there were only around 30 people in the club anyway and that he would be finishing shortly.

SINGH said that he would turn the music down.

RICHARD and I then left the scene. I then wrote up my notes to pass to the case officer.

I did not call the complainant back because they asked me not to.

Signature 
Signature Witnessed by _____

25/03/08

WARD _____

Entered on FLARE

AREA _____

LONDON BOROUGH OF TOWER HAMLETS
ENVIRONMENTAL HEALTH - OUT OF HOURS NOISE & NUISANCE SERVICE
REQUEST FOR SERVICE

REQUEST NO: 25522

DATE RECEIVED: 16/03/08 Time 00:17

HOW RECEIVED: Telephone [P]
Other [O]

TEAM DEALING OOH
RECEIVING OFFICER Ben Milligan
INVESTIGATING (CASE) OFFICER B.M.

CLIENT

NAME: ~~XXXX~~
ADDRESS: ~~XXXX~~
LAT: ~~XXXX~~
157 ~~XXXX~~ ST
POST CODE: E1 6BJ
TEL NO. HOME: ~~XXXX~~
WKK/MOB: ~~XXXX~~

SUBJECT OF REQUEST

REF. NO.
NAME/COMPANY
ADDRESS
POST CODE
TEL NO.

- Private Sec Housing Housing Assoc
- Public Sec. Housing HARCA
- Commercial THCH/ EAST END HOMES

- Private Sec Housing Housing Assoc
- Public Sec. Housing HARCA
- Commercial THCH/ EAST END HOMES

DETAILS OF REQUEST:

TIME CODE -

ACTIONS:

USED WITH PAUL (COUNCIL)

Tel Client at: 00:25 - will visit - 01:05 - nuisance witnessed.
will take to edge.

01:10 - talked to jasper snow - he said it was
quiet - asked him to turn it down, he did
so.

Category code: 10
Type (if applicable): VII
Action: NOI
Statutory nuisance witnessed:

RESULT
No Action Possible [A]
Resolved [R]
Notice [N]
Legal Action [L]

First response: 00:25 16/03/08 [Name] Officer

Request closed: 01:15 16/03/08 [Name] Officer

Prosecution Witness Statement
 (Criminal Procedure Rules 2005 r27.1(1);
 Criminal Justice Act 1967 s.9; M.C. Act 1980 s5B)

Statement of: Cain Duncan
 Age of Witness (If under 18) Over 18
 Occupation of Witness: Planning Enforcement Officer
 Business address: Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London, E14 1BY.
 Telephone Number 020 7364 3975

This statement consisting of two pages signed is by me, is true to the best of my knowledge and belief. I make it in the knowledge that if it is tendered in evidence I shall be liable to prosecution if I have willfully stated in it anything I know to be false or not believe to be true.

Signature: 

Date: 10/03/08

1. My name is Cain Duncan; I am a Planning Enforcement Officer employed by the London Borough of Tower Hamlets ("LBTH") and have been since 2nd January 2007. Part of my duties include the enforcement of the Regulations relating to breaches of planning control.
2. This statement is in relation to the property located in the basement and on the ground floor of 157 Commercial Street, London, E1 6BY, ("the property").
3. On the 19th October 2000 planning permission (PA/00/00672) was granted to Mr J. Singh & Co for the erection of a fourth floor roof addition to the building, for the change of use and conversion of the building to create a restaurant on the basement and ground floors, and eight self-contained flats on first to fourth floors. This permission, which has expired, was never lawfully implemented as the pre commencement conditions were never discharged and a 9th self contained flat was

added. Further to this, the application was accompanied by a proposed plan for the development of the ground floor and basement areas. This plan was numbered PA/00/672A (The First Plan). I hereto exhibit a copy of the First Plan as exhibit "CRD1". From this plan it can clearly be seen that provision is made for a Dance Floor and the "Batcave". The developer numbered this plan RSC 2837.

4. The first plan was not acceptable to Council Officers and following negotiations with the developer a further plan was produced numbered PA/00/0067B (The Final Plan). I hereto exhibit a copy of the Final Plan as exhibit "CRD2".
5. It can be clearly seen by comparing the First and Final Plan that planning permission was not granted for any area of dance floor and that the Council never supported the use of the basement as a dance/club venue. In addition to the dance floor the developer also undertook further development to the basement including the addition of the "bat cave". None of these developments / changes were approved under PA/00/00672 and therefore, other factors aside, the current and historic use of the property as a club with a dance floor, etc was never permitted under this permission.
6. On the 6th February 2002, the Council's Development Panel resolved to grant planning permission to Mr Jaspal Singh for the current building, which consisted of the erection of a fourth floor roof addition, the change of use and conversion of the building to create a restaurant on the basement and ground floors and nine self contained flats on the first to fourth floors (PA/01/00396). The Committee's resolution was subject to the completion of a Section 106 legal agreement to secure a "car free" development. The legal agreement was never pursued or completed and hence planning permission was never granted for the development. Even though planning permission was never issued the proposal for the ground floor and basement included details for a DJ booth, stage, etc and hence the committee report included a condition that would have restricted the use of the property to between the hours of 9.00am to Midnight, Monday to Saturday and 9.00am to 11.30pm on Sundays.
7. I hereto exhibit a copy of the Committees recommendation as exhibit "CRD3".

8. Council Building Control records show the development of the property by the erection of a fourth floor addition, the change of use of the building to create a restaurant on the basement and ground floors and nine self contained flats on first to fourth floors was substantially completed in November 2002, despite no formal planning permission being issued.
9. In late 2005 early 2006 a number of complaints were received by the Council's Planning and Environmental Health Departments, regarding the use of the property as a nightclub, late night / early morning noise and disturbances to adjoining and surrounding occupiers.
10. On the 26th October 2005, the Council's Environmental Health Department served an Abatement Notice on Mr Jaspel Singh at the property under Part III, Section 80 of the Environmental Protection Act 1990, as amended by the Noise and Statutory Nuisance Act 1993, Section 3. This Notice required that music being played excessively loud cease forthwith.
11. I hereto exhibit a copy of the Noise Abatement Notice as exhibit "CRD4".
12. An Enforcement Notice was served by the Council's Planning Department on the 16th March 2006. The Notice required the cessation of the unauthorised use of the premises as a nightclub and that all external and internal fixtures and fittings that relate to the unauthorised use of the property as a nightclub be removed.
13. I hereto exhibit a copy of the Council's Enforcement Notice as exhibit "CRD5".
14. The Enforcement Notice was due to come into effect on the 29th April 2006 and 56 days were given from this date to comply with its requirements. On the 28th April 2006 the Council received notification that an appeal had been lodged against the Council's decision to issue the Enforcement Notice.
15. A Local Public Inquiry was scheduled for the 12th December 2006, however the appeal was withdrawn before this date, after agreement was reached between the

Council and Mr Singh's legal team that a new application would be submitted for the use of the property as a bar, operating bar hours and that the use as a nightclub would cease. In return the Council agreed not to prosecute Mr Singh at that point in time.

16. On the 12th December two applications were received for the property on behalf of Powernet Limited, whose directors were Mr Jaspal Singh Rathor and Mr Gulzar Singh Rathor. One application was for the Use of the ground floor entrance way and basement premises as a bar (within Use Class A4), operating between the hours of Mondays and Wednesdays 11am to 2am the following day, Thursdays to Saturdays 11am to 4am the following day, and Sundays 11am to Midnight. The second application was for the use of part of the ground floor and the basement as a bar and late night entertainment venue (sui generis), operating Mondays to Wednesdays between 11am to 2am the following day, Thursdays to Saturdays between 11am to 4am the following day, and Sundays between 11am to Midnight. 52 objections were received to the applications which ranged from comments about anti-social behavior and crime and disorder through to noise and vibrations from the club being unbearable in the upper floor flats.

17. Both of the above applications were heard at the Council's Development Committee on the 28th March 2007 and concurrently determined on the 4th May 2007. Planning permission for the bar use solely (PA/06/02242) was granted subject to conditions, of which condition 2 reads:

2. The use permitted shall only be operated between the hours of:
 - 9.00am to Midnight on Mondays to Saturdays and;
 - 9.00am to 11.30pm on Sundays.

18. I hereby exhibit a copy of the decision notice for a bar use at the property as exhibit 'CRD6'.

19. The second of the planning applications, which sort to authorise the use of the property as a bar (A4) and late night entertainment venue (sui generis) (PA/06/02243) was refused. I hereto exhibit a copy of the refusal decision notice as exhibit "CRD7".
20. It should be noted that the planning application granted on the 4th May 2007 (PA/00/02242) for the use of the basement as a bar is the only valid planning permission for this type of activity at the property and prior to this no valid planning permission existed for a bar use at basement level.
21. Despite the granting of planning permission for a bar use, with opening hours no later than 12 midnight and assurances given by Mr Singh's legal team in late 2006 that they would cease using the property as a nightclub, in February 2007 it again started being used as a late night entertainment venue and complaints continued to be received by the Environmental Health and Planning Departments about late night noise and disturbances on a ad hoc basis until July 2007.
22. In November 2007 appeals were lodged by Powernet Limited against the Council's refusal of planning permission for a bar and entertainment venue at the property and against the imposition of conditions 1 (temporary use until May 2008) and 2 (hours of operation) of planning permission PA/06/02242. These appeals are yet to be decided.
23. Further complaints were received from adjoining residents in December 2007, regarding noise and the opening of the venue to 3.30am, well after its permitted closing time at midnight. These complaints appeared to cease over January 2008 but further complaints occurred on the 3rd/8th/9th/15th & 16th February 2008. On the 9th February 2008, Council Noise Control Officers attended the venue, arriving at 01.15hrs. Noise Control Officer Ben Milligan writes in his statement, which I hereto exhibit as exhibit "CRD8" that despite being in the complainants flat several floors up, the noise from the club below was very loud and the floor of the flat was vibrating with the bass from the music. Mr Milligan confirmed that it was a statutory noise nuisance and went down to the entrance of the property to require the music to be turned down.

24. I can confirm that legal proceedings have been lodged by the Council's Environmental Health Team, regarding the continued breaches of the October 2005 Noise Abatement Notice.
25. On the 27th February 2008 I was walking down Brick Lane when I noticed an illegal advertising flyer pasted to the former railway bridge, just before Bacon Street. The flyer advertised a gig occurring at the property on Friday the 29th February 2008 from 9pm until 4am. The flyer advertised a range of DJ's that would be playing and in my opinion the event was likely to result in more noise complaints to the Council and a significant disturbance to local residents. I therefore returned to the office to request approval for the serving of a Temporary Stop Notice. I hereto exhibit a copy of the flyer as exhibit "CRD9".
26. A land registry search was conducted on the 28th February 2008. This confirmed the leaseholder of the property to be Mr Jaspal Singh Rathor of 2 Lexington House, Bow Quarters, London, E3. As per previous references Mr Singh has been associated with the property since November 2000. Mr Jaspal Singh Rathor and Mr Gulzar Singh Rathor are also the Directors of Powernet Limited, who applied for the most recent planning permissions for the property and is currently appealing the Council's decision on these applications. Judging from Companies House records the company is now in liquidation. The free holder of the property is listed as Eastwillow Properties Limited.
27. I hereto exhibit copies of the land registry search documents for the property and the current appointments report for Powernet Limited as exhibits "CRD10" and "CRD11".
28. On the 29th February 2008, the London Borough of Tower Hamlets issued a Temporary Stop Notice in respect of the property. The Notice was in respect to the unauthorised use of the property as a bar/club outside the hours of 9.00am to midnight, Monday to Saturday and 9.00am to 11.30pm on Sundays.
29. I hereto exhibit a copy of the Temporary Stop Notice as exhibit "CRD12".

30. On the 29th February 2008 at 1440 hours a copy of the Notice was attached to the wall beside the main entrance to the property. The Notice was also served on Mr Jaspal Singh Rathor, the Occupier(s) and the Owner by posting a copy of the Notice and covering letter through the front mail slot of the property.
31. I hereto exhibit a copy of the Certificate of Service as exhibit "CRD13".
32. The Notice was served by registered mail to Mr Jaspal Singh Rathor of 2 Lexington House, Bow Quarters, London, E3 2UH; Mr Gulzar Singh Rathor of 89 Auckland Road, Ilford, Essex, IG1 4SG; Powernet Limited of 601 High Road, Leytonstone, London, E11 4PA and Eastwillow Properties Limited care of City Chartered Accountants, 540 5th Floor Linine Hall, 162-168 Regent Street, London, W1B 5TF.
33. The Notice required the cessation of use of the property as a bar/club outside the hours of 9.00am to Midnight, Monday to Saturday and 9.00am to 11.30pm on Sundays.
34. A copy of the Notice was entered onto the S.188 Register on the 29th February 2008. This is a register available for inspection by the public free of charge during office hours at the Council premises as required under the Town and Country Planning Act 1990.
35. On the 29th February 2008, I made a site visit to the property. I was accompanied by my partner Ms Melanie Tucker. We arrived around the corner from the club (Folgate Street) via car. We parked the car and proceeded to the front entrance of the property arriving at 11.58pm. There was a small crowd of people gathered outside (5-6 persons) and we joined the queue behind two other people waiting to gain entry. Once at the front of the line one of two doorman asked if we were on the guest list. I replied no and he asked if it was only the two of us, to which I replied yes. He then proceeded to let us through into the small ground floor lobby.
36. In the lobby I paid £20 entry fee for myself and my partner (£10 each) and we proceeded to head downstairs into the main bar area. At the bottom of the stairs were the toilets and cloakroom as well as the door into the main bar. We passed

through the door into the main bar area. This had three seating booths running along the left hand wall as you enter through the main door, the main dance floor was directly to the right in front of a large projection screen, which was showing a range of patterns and pictures. Directly in front of the main door were some seats in front of a sculpture of what appeared to be grass lit up with fairy lights. The bar was to the right of this seating area.

37. I hereto exhibit a sketch of the floor plan of the main bar/dancefloor area as exhibit "CRD14".

38. At this point I estimated approximately 100 people in the venue drinking and dancing to "techno" music.

39. We proceeded to the bar area and I purchased a bottle of Kronenbourg beer for myself and a single vodka and orange for my partner. The time at this point was 0015hrs on the 01st March 2008.

40. After purchasing drinks we headed to the far end of the main bar area into a smaller room which appeared to have imitation rock walls with sofa like benches around the outside with large cushions ("cave room"). There were only about 10 people in this room along with another DJ. Most people appeared to be dancing by themselves and looked like they were on other substances. At this point I attempted to photograph the room, although this was difficult due to the lighting. I hereby submit a copy of the photo taken of the "cave room" at 0022hrs as exhibit "CRD15".

41. We left the cave room and headed back into the main room which was now considerably busier. So much so, it was now difficult to make it through the crowd back to the entrance end of the club. We progressed through the crowd and sat on a large seat opposite the entrance door beside the seating booths. While in this location I proceeded to photograph other clubbers and parts of the venue. I hereto exhibit photos taken between 0026hrs and 0030hrs as exhibits "CRD16 – CRD19".

42. At 0040hrs we proceeded back to the bar where, after waiting 5 minutes, I purchased one can of Red Bull at 0045hrs. While waiting to purchase a drink I took two photographs of people around the bar drinking. I hereto exhibit these photos as exhibits "CRD20" and "CRD21".
43. We proceeded back into the cave room where there were fewer people and sat down on the left hand side of the room on the seats with the large cushions. We sat and watched people dancing around the room (again many appeared in their own worlds and were dancing by themselves) and listened to the DJ's music. I took a further photo in this room at 0056hrs and I hereto exhibit a copy of this photo as exhibit "CRD22".
44. After leaving this room I photographed the main bar/dance area from the far end of the bar, looking towards the entrance door and I hereto exhibit a copy of this photo as exhibit "CRD23".
45. We collected our jackets from our initial sitting position, beside the private booths and proceeded to exit the club at approximately 0103hrs. On our way out we collected a small flyer from the lobby desk advertising the event went on until 0400hrs. I hereto exhibit this flyer as exhibit "CRD24".
46. We proceeded to cross the road where I photographed the outside of the club and a large number of people outside queuing up to get in. I hereto exhibit a copy of this photo taken at 0105hrs as exhibit "CRD25".
47. It was clear when I left the venue, just after 0105hrs, that the club was still in full swing, the bar was still open and the night appeared to just be getting underway. There were still a large number of people waiting to gain entry to the club and a poster inside the venue stated that the last DJ did not finish until 0400hrs, despite the Temporary Stop Notice requiring the bar/club to be closed by midnight.
48. On arriving back at our car, I received a voicemail message on my mobile phone from the Council's Noise Control Officer, stating that he was on his way to the venue to respond to a noise complaint from a surrounding resident.


49. I telephoned the owner of the property, Mr Jaspel Singh Rathor on Monday 3rd March 2008 and arranged to meet him at the property that afternoon. I met Mr Rathor at 1600hrs and we went down into the basement, to his office beside the bar. We informally discussed a number of planning matters related to the area and the property. I left the property at 1700hrs.

50. On the 10th March 2008 I opened my email at work and found a three emails regarding the noise and opening hours of the property on the 9th March 2008. The emails state that the club was again open till around 4am. Particular events involve calls to the Council's Noise Team at 0024hrs and 0117hrs, approximately 100 people exiting the club at 0215hrs and dozens of people sheltering outside the doorways of 159 and 155 Commercial Street smoking at 0200hrs. I hereto exhibit three emails from surrounding residents as exhibit "CRD26" and a copy of the Council's Noise complaints log as exhibit "CRD27".

51. In my opinion there have been clear and deliberate breaches of the Council's Temporary Stop Notice and complete disregard for the approved hours of operation and legal usage of the property for a number of years.

52. I know of no defense that can be raised by the defendant in relation to this matter that has not already been investigated by the LBTH.

53. I am available to come to court as a witness if I am required to do so.

Signed.....

Dated 10/03/08

Page 5 10

APPENDIX 4

FLARE REF: 54836

ATTENTION ↑

ABATEMENT NOTICE in respect of Statutory Nuisance
ISSUED BY THE LONDON BOROUGH OF TOWER HAMLETS

ENVIRONMENTAL PROTECTION ACT 1990 PART III SECTION 80
AS AMENDED BY THE NOISE AND STATUTORY NUISANCE ACT 1993, SECTION 3

TO: Mr Jaspel Singh
Trading as "Edge Nightclub" c/o Basement Area, 157 Commercial Street, E1 6BJ

1. Notice

THIS IS A FORMAL NOTICE issued by the LONDON BOROUGH OF TOWER HAMLETS ('The Council') because it is satisfied that a statutory nuisance [exists] [is likely to] [occur] [recur] at the premises known as " Edge Nightclub"

within its area in that **Music is being Played Excessively Loud**

2. What You Are Required To Do

As the [person responsible for the nuisance or the [owner] [and/or] [occupier] of the premises you are required to [abate or restrict or prohibit] the [occurrence] [recurrence] of the nuisance by [executing the following works or taking the following steps] from the date upon which this Notice was served upon you: **Cease Forthwith**

3. What Happens If You Fail To Comply

If without reasonable excuse you contravene or fail to comply with any requirement or prohibition of this Notice:

- 3.1 you will be guilty of a criminal offence and will be liable on summary conviction to a fine not exceeding level 5 on the standard scale, together with an additional fine for each day on which the offence continues after conviction; or
- 3.2 if the offence is committed on industrial, trade or business premises, you will be liable a summary conviction to a fine not exceeding £20,000;
- 3.3 in order to secure an abatement, prohibition or restriction of the nuisance, the Council may bring proceedings in the High Court and;
- 3.4 the Council reserve the right to execute the works specified in the Notice and recover from you any expenditure incurred.

4. Your Right Of Appeal

You may appeal to a Magistrates' Court against this Notice within 21 days, beginning with the date on which this Notice is served upon you.

5. Suspensions Of Notices

In the event of an appeal this Notice shall **NOT** be suspended until the appeal has been abandoned or decided by the Court as, in the opinion of the Council {[the nuisance to which this Notice relates is [injurious to health] [likely to be of a limited duration such that suspension would render the Notice of no practical effect]} [the expenditure which would be incurred by any person in carrying out works in compliance with this Notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance].

Dated 26/10/2005
Signed [Signature]
Technical OFFICER ENVIRONMENTAL HEALTH

This matter is being dealt with by Mr John Goodrick who can be contacted at: Environmental Health (Environmental Protection), Council Offices, Southern Grove, LONDON, E3 4PN.
Tel: 020 7364-6800 Fax: 020 7364-6831

NOTES

The Statutory Nuisance (Appeals) Regulations 1995 :-

APPEALS UNDER SECTION 80 (3) of the 1990 ACT

- (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-
 - (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notices are otherwise unreasonable in character or extent, or are the unnecessary;
 - (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates -
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
 - (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of-
 - (i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or
 - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
 - (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);
 - (h) that the abatement notice should have been served on some person instead of the appellant, being -
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
 - (i) that the abatement notice might lawfully have been served on some person instead of the appellant, being -
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;
 - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of an appeal the court may -
 - (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
 - (c) dismiss the appeal;

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and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

- (6) Subject to paragraph (7) below, on the hearing of appeal the court may make such order as it thinks fit -
 - (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above, the court -
 - (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

3. SUSPENSION OF NOTICE

- (1) Where -
 - (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -
 - (b) either -
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79 (1) (g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
 - (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where -
 - (a) the nuisance to which the abatement notice relates -
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
 - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) Where paragraph (2) applies the abatement notice -
 - (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
 - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

Note to accompany an Abatement Notice

Environmental Protection Act 1990, section 80. Noise Act 1996, section 10

If the accompanying Notice is not complied with, the Council may prosecute the person responsible for the noise nuisance. **In addition the Council may also seize the noise equipment**, either whilst the noise is being made, or at any other time.

If the Court convicts the person responsible for the nuisance, the Court may make a Forfeiture Order. The Order stops that person from getting the equipment back.

Any expenses reasonably incurred by a local authority in abating, or preventing the recurrence of, a statutory nuisance may be recovered by them from the person responsible for the nuisance.

If you require any further clarification on the matters addressed above please contact Environmental Protection on 020 7364 6800.