



GRAVESHAM BOROUGH COUNCIL

WITNESS STATEMENT

STATEMENT OF: Keith Moorhouse
AGE: Over 21
OCCUPATION: Senior Environmental Health Technician

This Statement (consisting of 5 pages signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated 10th day of December 2021

Signature ... *Keith Moorhouse*

I, Keith Moorhouse, am employed by Gravesham Borough Council as a Senior Environmental Health Technician working within Regulatory Services. I have over 13 years experience in the role and am authorised by them under the Environmental Protection Act 1990 amongst other legislation. My duties include investigating noise nuisances, resolving matters informally when possible, and when necessary considering enforcement actions to protect the public from unreasonable disturbances.

In response to resident's complaints of noise nuisance emanating from the Cricketers PH, starting in May 2021, and subsequent diary sheets showing a potential nuisance, we wrote to the Cricketers on June 16th, advising them of the allegations and asking them to consider if the complaints had any merit, and if so to take actions to cease causing a noise nuisance. Our contact information was included with the letter however we did not receive a response and residents continued to report noise disturbances. An out of hours visit to the area was therefore carried out by myself and Piotr on Saturday 28th August between 21:00 and 21:30. We observed loud music and karaoke

Signed..... *Keith Moorhouse*

singing coming from the Cricketers which we considered loud enough to cause an unreasonable disturbance. The main entrance was left open even when not in use.

We wrote to and emailed the owner and Designated Premises Supervisor (DPS) Mr Mandeep Manik on 3rd September to notify him of our visit observations and to warn that should we continue to receive valid complaints formal action would be considered by our service and this may affect our comments to Licensing when assessing future Temporary Event Notifications.

Again we did not receive a response from the Cricketers, and complaints of noise disturbance continued to be made. In response our service installed one of our calibrated recorders into the home of the complainant most affected on 21st September until 29th September. The recordings were assessed and a noise nuisance was identified on Saturday 25th September between 19:26 to just past midnight. Loud music and bass was audible above the residents TV. We considered that the resident would not have been able to reasonably enjoy their home during this time. As repeated warnings to the Cricketers by our service appeared not to have prevented on-going noise nuisance we considered it appropriate at this time to serve a noise abatement notice on the Cricketers. Notices were served on 5th October and the cover letter also advised that our service would object to future TENS of a nature likely to breach the notice. Copies were also emailed to Mr Manik the same day and we asked Mr Manik to withdraw the TEN he had submitted for 30th October for a Halloween party.

This resulted in our first contact from Mr Manik who emailed on the 5th October to advise that he felt like he was being victimised and as a family pub he is 'following all the rules' and has a great set of customers.

Whilst Mr Manik reluctantly withdrew his TEN for Halloween he persisted in accusing residents of being malicious in their complaints and insisting the Cricketers was not doing anything wrong. Further noise complaints accompanied by audio taken on the

Signed..... 

phone of one of the complaints appeared to show loud music coming from the Cricketers on Friday 15th October. Said to be from 18:00 and still ongoing at 22:40.

Myself and Piotr carried out another out of hours monitoring visit on 30th October.

The public house is situated in a predominately residential area (see Google Plan1 and Street View 1). When turning west into Arthur Street from Wrotham Road, we first noticed the music, approx. 130 meters away (All measurements taken from Google maps) from the public house. At the junction with Brandon Street approx. 60 meters away the music was at a level that we considered loud enough to cause a statutory nuisance to residents.

I recorded video with audio on my work iPhone (See KM1) as we walked towards the Cricketers PH and then walked past it in a westerly direction towards Darnley Road at approx. 23:50. I observed that the Cricketer's main door was closed for the most part, only occasionally being opened for customers to enter/leave. There was a very strong smell in the seating area at the side of the property. The music could still be clearly heard on Arthur Street approx. 95 meters away to the west of the Cricketers. My colleague, PP, then contacted one of the complainants by mobile phone and arranged for us to call at their home. The complainant advised us that the music had been causing a disturbance since 18:30 that day, and that on occasions the music had been louder. The music inside the complainant's home was loud enough that it felt like we were within a room inside the pub itself. Lyrics were clearly audible from the song 'Show me love'. When I touched the party wall in the hallway vibrations could be felt. The living room opposite to the hallway was exposed to the same volume of music. The volume of the music was in my opinion the loudest I have experienced in my career when assessing noise nuisances, and even a heavy sleeper would likely have been unable to fall or stay asleep. It would not be possible for the average person to have been able to reasonably enjoy their own home.

Signed..... 

After leaving we walked north on Cutmore Street. The music was still audible until we turned west onto Spencer Street approx. 90 meters from the Cricketers.

It is worth noting that following the visit, myself and Piotr carried out noise monitoring of the town centre High-street at approx. 00:10 which is home to a night club and numerous pubs, and the volume of noise experienced on the Highstreet was significantly less than we had witnessed emanating from the Cricketers PH. It is my professional opinion that the Cricketers PH had breached the noise abatement notice served.

A letter and email advising of a witnessed breach of the noise abatement notice was sent to Mr Manik on 3rd November. Mr Manik replied the same day by email to again deny doing anything wrong, claiming he is doing everything he can to be considerate to neighbours, and that complainants are malicious and trying to put him out of business.

On the 16th November I contacted GBC Licensing and requested a license review as I considered the premises was failing to meet its licensing objective of the Prevention of Public Nuisance.

It was after this action that the response from Mr Manik significant changed. On the 1st December we were emailed by Mr Manik and advised that prior to service of the noise abatement notice they had been working hard to put in measures to prevent nuisance to neighbours. One measure suggested was to only allow bands and DJ's to operate until 10:45pm. Whilst we acknowledge the positive change in direction, we considered that even with the earlier cut off time for bands and DJ's that due to the small size of the venue and its proximity to residential properties that such events would likely cause an unreasonable nuisance at any time of day, and advised Mr Manik of this.

Mr Manik in reply, emailed on the 9th Dec a revised policy and risk assessment which now advised that DJ's and live bands would not be allowed on the premises, and he invited us to meet him on site to discuss the new changes. We accepted and met Mr

Signed..... 

Manik at the Cricketers on the morning of 13th December. During the visit we tested the volume of the Juke Box at a level they advised was typical for a Friday and Saturday night. With the doors and windows closed the volume I observed on the road immediately opposite was low enough to not be considered unreasonable.

Mr Manik advised he intends to make the pub more food orientated and showed us the works in progress to install a new kitchen. He also advised that he would be making the pub a members only pub so as to more easily restrict trouble makers. We discussed with Mr Manik the possibility of the Cricketers having future music events under the TEN regime, and advised that the first step would be to see if the pub can operate normally week by week without causing unreasonable disturbances, and that if they could show this then we would consider not objecting to reasonable TENS. Mr Manik also agreed to submit a variation application for his license to include the relevant changes such as times the Juke Box would be turned off.

Due to the positive direction that Mr Manik appears to be committed towards we instructed Legal Services to pause the prosecution case for breach of a noise abatement notice, until such time as we could either consider cancelling the action, or pursuing it depending on the most appropriate action to take.

I however consider it appropriate for the license review to proceed as we understand that before the proposed changes can be added to the license, that de-regulated entertainment i.e. music between 8am and 11pm, must be re-regulated so that conditions within those times can be included on the license and enforced if breached.

I understand that this can only be done at a license review.

Signed..... 