

Environmental Health Officer Witness statements:

1. Ryan Shoemark re: 8th April 2022
Ryan Shoemark re: 9th April
2. Lyndon Jones (EHO) re 20th May 2022
3. Rebecca Newton (EHO) re 16th July 2022
4. Lyndon Jones re 16th July 2022
5. Duncan Hector (EHO) re 26th August 2022
6. Rachel Matthews (EHO) re 28th August 2022
7. Simon Evans (EHO) re 2nd September 2022
8. Ryan Shoemark (EHO) re 10th September 2022
9. Duncan Hector re 1st October 2022
10. Duncan Hector re 15th October 2022
11. Ryan Shoemark re 4th November 2022

Witness Statement 1

Occurrence Number:		URN	
Statement of: Ryan Christopher Shoemark			
Witness contact details:			
Work address:	Planning & Public Protection, The Quays, Briton Ferry, Neath, SA11 2GG		
Home telephone No.:		Work telephone No.:	01639 685646
Mobile/Pager No.:		Email address:	r.shoemark@npt.go.uk
Preferred means of contact (specify details):	email		
Best time of contact (specify details):	09:00 – 17:00hrs		
Gender:	Male	Date of Birth:	██████████
Ethnicity code (16+1):		Place of Birth:	Swansea
Former Name:		Religion/Belief (specify):	██████████
DATES OF WITNESS NON-AVAILABILITY:	None known		

Signature:		Signature witnessed by:	
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WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Occurrence Number: _____ URN


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Statement of: **Ryan Christopher Shoemark**Age if under 18: **Over 18** (if over 18 insert 'over 18') Occupation: Environmental Health Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:  Date: 10/04/22Tick if witness evidence is visually recorded (supply witness details on rear)

1. My name is Ryan Christopher Shoemark and I am employed by Neath Port Talbot County Borough Council as an Environmental Health Officer. My qualifications include an MSc in Environmental Health. I have been employed in local government within Environmental Health for 16 years, of which, during those years I have spent investigating statutory nuisance complaints and authorised to enforce the provisions of the Environmental Protection Act 1990.
2. My statement is with regards to the premises known as The Other Place (Public House) located at 9 Ynisderw Road, Pontardawe, Swansea, SA8 4EG.
3. On the 8th April 2022, I was the out of hour's officer for the Environmental Health Department of NPTCBC. A pro-active visit was undertaken to investigate the allegations of excessive noise arising from the premises 'The Other Place'
4. Mr Callum Lewis, Environmental Health Officer, accompanied me.
5. At 22:00hrs I observed the premises from Francis Street, Pontardawe, which, is located parallel to the premises. Audible music emanating from the premises was clearly identified approximately 30 meters away. The sound level increased as we approached the venue along with noticing the interchanging disco lights flashing out from what I consider to be the rear room of the venue.
6. My colleague Mr Callum Lewis and I arrived at the complainant's property at 22.05hrs, which, is within view and close proximity to the premises.
7. On entering the complainant's premises, we monitored from the front living room. I noted the property was a traditional solid masonry construction and the window to the room was a double glazed unit and closed at the time.
8. From 22:05hrs to 22:25hrs I witnessed the audible music emanating from the premises and the unwanted impact it was having upon the conversation taking place between the complainant, and ourselves. The rhythm of the music could be heard along with the singing. Further intrusion was sensed from the effect of the continued base beat that clearly intruded the environment within the dwelling.
9. At 22:26hrs I could clearly make out the song and the lyrics to 'Stuck In The Middle With You' by the band Stealers Wheel; at the same time, conversations were still taking place and the music remained to intrude and have an impact on our discussion.

Signature:		Signature witnessed by:	
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Occurrence Number:

URN

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Statement of:

Ryan Christopher Shoemark

10. At 22:35hrs we monitored from the first floor front bedroom; audible music and continued base beat notable on entering the room. The double glazed window was slightly open to the ventilation lock.
11. At 22:36hrs the song and lyrics to 'Fame' was clearly audible at an intrusive level.
12. At 22:40hrs the song and lyrics to 'I Had The Time Of My Life' from the film Dirty Dancing was clearly audible at an intrusive level.
13. At 22:42hrs the window was closed and I observed the music and base of the song 'I Had The Time Of My Life', which, remained intrusive although the lyrics were not so clear but remained to intrude and affect the environment of the bedroom.
14. At 22:45hrs the song 'What a Feeling' was clearly audible at an intrusive level; window remained closed.
15. At 22:50hrs we left the complainants property. The sound level on the street was significant and could be heard some distance beyond the venue. The song by Jon Bon Jovi 'Living on a Prayer' was observed, followed by a song with lyrics to 'Some Girl'.
16. My observation and evidence gathered at the complainants property while monitoring the premises 'The Other Place' would count to a statutory nuisance as the volume of the music emanating from the premises was determined to be unreasonable and considerably interfered with the use and enjoyment of the complainants home.
17. On the 9th April 2022, a pro-active visit was again undertaken to investigate the allegations of excessive noise arising from the premises 'The Other Place'.
18. At 22:17hrs I arrived at Ynisderw Road, Pontardawe. At a distance of approximately 45 meters away from the premises 'The Other Place', I could clearly hear amplified music with the song and lyrics to 'Play That Funky Music' and increasing in volume as I approached the complainant's property.
19. At 22:19hrs along with my colleague Mr Callum Lewis, Environmental Health Officer, we arrived at the complainant's property and monitored from the front living room.
20. Between 22:19hrs and 22:31hrs, while having a conversation between those present, music and singing was clearly audible within the complainants property.
21. At 22:36hrs the sound level within the complainants property changed and it was evident the music being played at the premises had stopped.
22. On both leaving the complainants property and passing through the residential area of Ynisderw Road, Pontardawe, it was evident the change in volume highlighted how incongruous to the area the level of noise was.



Signature:		Signature witnessed by:	
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Witness Statement 2

Occurrence Number:

URN

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Statement of: Lyndon Jones

Witness contact details:

Work address:	The Quays Brunel Way Baglan Energy Park Neath SA11 2GG		
Home telephone No.:		Work telephone No.:	01639 685628
Mobile/Pager No.:		Email address:	l.jones1@npt.gov.uk
Preferred means of contact (specify details):	Email		
Best time of contact (specify details):	Office Hours		
Gender:	Male	Date of Birth:	
Ethnicity code (16+1):		Place of Birth:	
Former Name:		Religion/Belief (specify):	
DATES OF WITNESS NON-AVAILABILITY:			

Cover Sheet

Signature:	<i>L R Jones</i>	Signature witnessed by:	
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WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Occurrence Number: _____ URN _____

Statement of: **Lyndon Jones**

Age if under 18: **Over 18** (if over 18 insert 'over 18') Occupation: Environmental Health Officer

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:  Date: 12th June 2022

Tick if witness evidence is visually recorded (supply witness details on rear)

1. My name is Lyndon Robert Jones and I am an Environmental Health Officer employed by Neath Port Talbot County Borough Council. My qualifications include an MSc in Environmental Health. I am authorised by the authority under the provisions of The Environmental Protection Act 1990. My statement deals with the monitoring of a licensed premises known as The Other Place, Ynysderw Road, Pontardawe, SA8 4LR against which the department has received complaints.
2. On Friday 20th May 2022 myself and my colleague Ryan Shoemark (Environmental Health Officer) undertook monitoring in relation to noise nuisance from a licenced premises known as The Other Place. I arrived outside he complainants address to commence monitoring at approximately 20.55 hrs, at this time music was audible outside the complainants premises, the music was clearly coming from the premises known as The Other Place.
3. I entered the complainants property and I commenced monitoring from the front room on the ground floor of the complainants property. At this at this time the window was closed and no music was audible as the band had stopped for an interval. I could see from the complainants property that doors on the side of the premises known as The Other Place facing Francis Street, Pontardawe were open at this time. At 21.18 the music recommenced and could clearly be heard and was intrusive over my conversation with the complainant.
4. At 21.20 the window to the front lounge of the property was opened and the television turned on and set the complainants usual volume at 21.22. The song playing was Franz Ferdinand and vocals could be clearly heard and identified. The level was intrusive over my conversation with the complainant and could be heard over the television. At 21.26 Bon Jovi – Living on a Prayer was being played and again was audible and intrusive. At 21.30 the window to the front lounge was closed and the music was still audible and intrusive and would affect the complainants enjoyment of the property.
5. At 21.35 the front lounge window was opened and I could clearly hear a song by Bastille being played. Further songs by the Frey – How to save a life, Mambo Number 5 by Lou Bega could clearly be heard and lyrics were clearly identifiable.

Signature:  Signature witnessed by: _____

Occurrence Number: _____ URN _____

Statement of: **Lyndon Jones**

6. Music continued to be audible until monitoring ceased at 22.00. It is my opinion that the levels of music emanating from the premises known as The Other Place was a statutory nuisance, was intrusive and would affect the complainants enjoyment of their property.

Signature: *L R Jones* Signature witnessed by: _____

Z29

witness statement 3


Occurrence Number:

URN

Statement of : Rebecca J Newton

Witness contact details:

Work address:	The Quays Brunel Way Baglan Energy Park Neath SA11 2GG		
Home telephone No.:		Work telephone No.:	01639 685657
Mobile/Pager No.:	01639 685657	Email address:	r.newton@npt.gov.uk
Preferred means of contact (specify details):	Email		
Best time of contact (specify details):	Office Hours		
Gender:	Female	Date of Birth:	[REDACTED]
Ethnicity code (16+1):		Place of Birth:	
Alternative name:	Rebecca J Jones	Religion/Belief (specify):	
DATES OF WITNESS NON-AVAILABILITY:	--		

Signature:		Signature witnessed by:	
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WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Occurrence Number: URN

Statement of: **Rebecca J Newton**


Age if under 18: **Over 18** (if over 18 insert 'over 18') Occupation: **Environmental Health Officer**

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:  Date: **17th July 2022**

Tick if witness evidence is visually recorded (supply witness details on rear)

1. I am employed as an Environmental Health Officer by Neath Port Talbot County Borough Council. I hold a BSc (Hons) degree in Environmental Health and have over 16 years' experience working in Environmental Health, I am a registered Environmental Health Officer under the Environmental Health Registration Board (EHRB). I am authorised by the authority under the provisions of The Environmental Protection Act 1990. My statement deals with the monitoring of a licensed premises known as The Other Place, Ynysderw Road, Pontardawe, SA8 4LR against which the department has received complaints.
2. On Saturday 16th July 2022 myself and colleague, Lyndon R Jones (Environmental Health Officer) undertook monitoring in relation to noise nuisance from a licenced premises known as The Other Place. I arrived outside the complainants address to commence monitoring at approximately 2147Hrs, at this time music was audible outside the complainant's premises, the music was clearly coming from the premises known as The Other Place.
3. I entered the complainant's property with Mr Jones and I commenced monitoring from the lounge towards the rear of the property at 2150Hrs. The music was audible but it was not possible to identify the song. At this time the window to the front lounge/office was closed. I proceeded to open the window to the front lounge/office and the music was clearly audible, the song "Kids in America" by Kim Wilde was being played. We then proceeded to monitor again from the rear lounge as this was the room being used at this time by the Occupiers and the music was clearly audible and intrusive over our conversation. At this time the song Dakota by the Stereophonics was being played and was easily identifiable.
4. The complainant telephoned their relative who also lived in the same street and they arrived and requested that we monitored from their property also.
5. Monitoring was then undertaken from another property on the same street but on the opposite side of the road. I arrived at the property at 2206Hrs with Mr Jones and proceeded to monitor from the rear garden of the property. The complainant advised that she would usually be out in the garden at this time of evening during warm dry weather conditions. I could clearly identify

Signature:		Signature witnessed by:	
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Occurrence Number:

URN

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Statement of:

Rebecca J Newton

that a female vocalist was singing; The Summer of 69 by Bryan Adams was clearly audible and was intrusive over our conversation. At 2210Hrs Summer of 69 finished and the song Crazy little thing called Love by Queen was clearly audible and again intrusive over our conversation. The next song to be played was listen to the music by the Doobie Brothers which was in my opinion also intrusive over our conversation.

- 6. Music continued to be audible until monitoring ceased at 2217Hrs. It is my opinion that the levels of music emanating from the premises known as The Other Place was a statutory nuisance, was intrusive and would affect the complainants enjoyment of their property.

Signature:		Signature witnessed by:	
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Witness statement 4

Occurrence Number:

URN

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Statement of: Lyndon Jones

Witness contact details:

Work address:	The Quays Brunel Way Baglan Energy Park Neath SA11 2GG		
Home telephone No.:		Work telephone No.:	01639 685628
Mobile/Pager No.:	██████████	Email address:	l.jones1@npt.gov.uk
Preferred means of contact (specify details):	Email		
Best time of contact (specify details):	Office Hours		
Gender:	Male	Date of Birth:	██████████
Ethnicity code (16+1):		Place of Birth:	
Former Name:		Religion/Belief (specify):	
DATES OF WITNESS NON-AVAILABILITY:			

Cover Sheet

Signature:	<i>L R Jones</i>	Signature witnessed by:	
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WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Occurrence Number: _____ URN _____

Statement of: **Lyndon Jones**

Age if under 18: **Over 18** (if over 18 insert 'over 18') Occupation: **Environmental Health Officer**

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: *Lyndon Jones* Date: **17th July 2022**

Tick if witness evidence is visually recorded (supply witness details on rear)

1. My name is Lyndon Robert Jones and I am an Environmental Health Officer employed by Neath Port Talbot County Borough Council. My qualifications include an MSc in Environmental Health. I am authorised by the authority under the provisions of The Environmental Protection Act 1990. My statement deals with the monitoring of a licensed premises known as The Other Place, Ynysderw Road, Pontardawe, SA8 4LR against which the department has received complaints.
2. On Saturday 16th July 2022 myself and my colleague Rebecca Newton (Environmental Health Officer) undertook monitoring in relation to noise nuisance from a licenced premises known as The Other Place. I arrived outside the complainants address to commence monitoring at approximately 21.47 hrs, at this time music was audible outside the complainants premises, the music was clearly coming from the premises known as The Other Place.
3. I entered the complainants property and I commenced monitoring from the lounge towards the rear of the property at 21.50. The music was audible but it was not possible to identify the song. At this at this time the window to the front lounge was closed. I proceeded to open the window to the front lounge and the music was clearly audible, the song "Kids in America" was being played. We then proceeded to monitor again from the rear lounge as this was the room being used at this time and the music was clearly audible and intruslve over our conversation. At this time Stereophonics – Dakota was being played and was easily identifiable.
4. The complainant telephoned their relative who also lived in the same street and they proceeded to come over to where we were monitoring to ask us to monitor from their property.
5. Monitoring was then undertaken from a property on the same street but on the opposite side. I arrived at the property at 22.06 and proceeded to monitor from the rear garden of the property. The complainant would usually be out in the garden at this time during warm dry weather conditions. I could clearly identify that a female vocalist was singing; Bryan Adams – Summer of 69 was clearly audible and was intrusive over our conversation. At 22.10 Summer of 69 finished and Queen – Crazy Little Thing Called Love was clearly audible and again intrusive over our conversation. The next song to be played was by the "Doobie Brothers" and as stated previously was intrusive over our conversation.

Signature: *Lyndon Jones* Signature witnessed by: _____

Occurrence Number:

URN

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Statement of:

Lyndon Jones

6. Music continued to be audible until monitoring ceased at 22.17. It is my opinion that the levels of music emanating from the premises known as The Other Place was a statutory nuisance, was intrusive and would affect the complainants enjoyment of their property.

Signature:		Signature witnessed by:	
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Witness statement

5

Occurrence Number: _____ URN: _____

Statement of: Duncan Hector

Witness contact details:

Work address:	The Quays Brunel Way Baglan Energy Park Neath SA11 2GG		
Home telephone No.:		Work telephone No.:	01639685621
Mobile/Pager No.:	██████████	Email address:	d.hector@npt.gov.uk
Preferred means of contact (specify details):	Email		
Best time of contact (specify details):	Office Hours		
Gender:	Male	Date of Birth:	
Ethnicity code (16+1):		Place of Birth:	
Former Name:		Religion/Belief (specify):	
DATES OF WITNESS NON-AVAILABILITY:			

Cover Sheet

Signature:	<i>Dhector</i>	Signature witnessed by:	
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WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Occurrence Number: _____ URN _____

Statement of: **Duncan Hector**

Age if under 18: **Over 18** (if over 18 insert 'over 18') Occupation: Environmental Health Officer

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: *D Hector* Date: 26/08/2022

Tick if witness evidence is visually recorded (supply witness details on rear)

I am an Environmental Health Officer registered with the Environmental Health Registration Board and have been employed in this capacity by Neath Port Talbot County Borough Council for over seven years and duly authorised by the authority under the provisions of The Environmental Protection Act 1990 and subsequent amendments.

(1) On Friday 26th August 2022 I was tasked with monitoring licensed premises in Pontardawe with my colleague Mr Lyndon Jones. It was a pleasant evening and as such it would be reasonable that many people would be using their gardens and keeping windows open.

(2) We drove past the Live Lounge Pontardawe shortly after 22.00hrs on route to one of the complainant's properties. A band was playing in the rear room of the pub and clearly audible in the car as we drove up Ynisderw Road, I then drove past the Public House along Francis Street which terminates in a cul-de-sac most of the noise appeared to be being emitted via the side of the property boarding Francis Street.

Signature: *D Hector* Signature witnessed by: _____

Occurrence Number:

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Statement of:

Duncan Hector

(3) We conducted monitoring from the complainants property and I noted a raise in volume at 22.15hrs where the noise from the music became intrusive and in my opinion a nuisance. The music could be clearly heard over the conversation of four people within the living room of the complainants property with their windows closed. The music stopped at 22.30hrs at which point we left the property.

Page 2 of 2

Signature:	<i>D Hector</i>	Signature witnessed by:	
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Witness Statement

Occurrence Number: _____ URN _____

Statement of: Rachel Matthews

Witness contact details:

Work address:	The Quays Baglan Energy Park SA11 2GG		
Home telephone No.:		Work telephone No.:	01639685642
Mobile/Pager No.:		Email address:	r.matthews@npt.gov.uk
Preferred means of contact (specify details):	email		
Best time of contact (specify details):	Office hours		
Gender:	F	Date of Birth:	Over 18
Ethnicity code (16+1):		Place of Birth:	UK
Former Name:		Religion/Belief (specify):	
DATES OF WITNESS NON-AVAILABILITY:	School holidays		

Signature:		Signature witnessed by:	
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WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Occurrence Number: _____ URN _____

Statement of: **Rachel Matthews**Age if under 18: **Over 18** (if over 18 insert 'over 18') Occupation: Environmental Health Officer

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: _____ Date: 01/09/22

Tick if witness evidence is visually recorded (supply witness details on rear)

I am an Environmental Health Officer employed by Neath Port Talbot County Borough Council. I am authorised by the Local Authority under The Environmental Protection Act 1990. I hold an in MSc Environmental Health and a Post Graduate Diploma in Acoustics and Noise Control. I am a registered with the Environmental Health Registration Board. I have 24 years-experience working as Environmental Health Officer, the majority of these years working in a role investigating Statutory Nuisance and taking relevant enforcement action under The Act.

On Sunday 28th August at approximately 17.00 hours I was carrying out some noise monitoring to investigate complaints I had received regarding loud music emanating from the public house located at 9 Ynysderw Road, known as: Live Lounge. I was able to hear loud music emanating from a group of musicians performing on the car park of the public house. The instruments and vocals were electronically amplified, which was being played via large speakers facing towards the premises boundary on Ynysderw Road.

I entered the home of one of the persons who had recently and historically complained to our Department about the noise disturbance from the pub: Ynysderw Road inhabited by Mr Nigel Pugh and his family. I sat in Mr Pugh's living room where the music from 9 Ynysderw Road was loud enough for me to be able to hear what song was being played, with the doors and windows closed. At 17.10 the first song I noted was: Smoke on The Water. I was able to hear the lyrics to the song of the chorus and the guitar strumming. It was a warm sunny Sunday afternoon of a Bank Holiday Weekend and it would be reasonable for the occupiers to expect to be relaxing within the comfort of their home and garden.

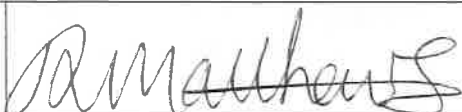
Mr Pugh and I had a long conversation about the impact of the premises on his and his family's life. He informed me that the music played at the venue is extremely loud and regular; he advised that he is regularly affected when there is live music present on the premises. During our conversation the music continued at the same volume, but as I was talking with Mr Pugh; I did not write down what all the songs were. At 17.19 I noted that the song by The Cranberries: Zombie was being played. It was loud enough for me to recognise the chorus : "Oh Oh Oh.....In your head in your head.....with their tanks and their bombs...." etc.

I went outside into the street and the music was still coming from 9 Ynysderw Road. I went down the road and stopped around the house numbers: (approximately) 21 and the music was audible; although much quieter.

Having been to visit one another residents about a different matter, I returned to Mr Pugh's house at approximately 17.59. The music from Live Lounge of 9 Ynysderw Road was continuing. I went into to Mr Pugh's rear garden. The rear garden is very attractively designed and maintained with pot plants, an attractive patio surface and a sitting area with patio lounging furniture and dining table, and in addition: a small bistro sized table near the door where Mr and Mrs Pugh enjoy having a break with a cup of coffee. It would be fair to say that Mr Pugh and his family enjoy spending time in the garden, and often their daughters will bring their grandchildren over to play and have meals in the garden. As I was present; carrying out the monitoring one of Mr Pugh's daughters arrived and they advised they regularly have family gatherings outdoors when the weather is nice.

The music in the rear garden was significantly loud and clear for me to be able to hear that the lyrics to the song being played was: "Girl I want to be with you all of the time, all day, all day, and all of the night..... all of the

Signature: _____



Signature witnessed by: _____

Occurrence Number: _____

URN _____

Statement of:

Rachel Matthews

time....etc"

At 18.05 Knock knock knocking on heavens door came on. The music was being played so loudly that we had to raise the level of our voices so that we could clearly hear what each other was saying; we were talking at a much louder level than would be normal for a conversation between two people.

At 18.09 the next song was played which I could clearly hear the lyrics: "If I lay here....just lay here.....forget the world..." etc which is from a song named Chasing Cars by Snow Patrol.

At 18.17 I decided to visit the premises and ask the person in charge to switch the volume down, as I felt it was so unreasonable. The song that was being played contained expletives and on a sunny Sunday afternoon it was possible to hear a male voice singing: So Fucking Special, which is part of a song with the title: Creep by Radiohead.

As I entered into the car park the music was extremely loud and there was only a small number of people present; approximately 20, sitting on wooden picnic-style tables. I entered the premises and asked to speak with the Designated Premises Supervisor DPS: Hans Erive Dionsio. A female approached me who stated that she was the manager at that time, I asked where Hans or Andrew Davies: the Manager were and she said that they had gone up to the Aubrey Arms and she did not know when they would be back. I asked her to phone them and speak to them or the Premises License Holder to advise them that I had visited, and to ask the band to switch the volume of the music and singing down.

Ms Pritchard stated that she did not see why it was an issue as the Gwachel and the Rugby Club have live bands on today. I stated that this was not relevant, as the music at these premises was the music I could hear at the nearby residential premises, at present. I asked her to approach the band which she did, but the music did not reduce in volume. I approached the band myself and asked them to switch the volume down; but they said they only had 3 more songs to play and they would finish. The music was deafeningly loud and it was difficult to hold a conversation with the person who identified herself as the manager in charge at that time: Linda Pritchard. I would expect that the people sitting in the car park would struggle to hear a conversation amongst themselves. There was a few tables that were occupied with a handful of people at each table.

I stood at the boundary of the car park on Ynysderw Road and the volume of the music was as loud as it had been prior to my intervention. The band were playing "I just wanna be your lovin man" I believe this is a song by Gary Moore. I was receiving some jeering and I decided the best option would be to leave the premises. I took a photograph of the circumstances, which I now display as photograph 1. This shows that the speakers being used by the band were pointing in the general direction of Ynysderw Road, which is a breach of licence condition 12 of their premises licence.

At 18.32 I returned back to Mr Pugh's garden and I could again clearly hear the lyrics: "you make me feel like the one.....take a look at me now....." etc, which is a song called Dakota by The Stereophonics. I remained at the premises and at 18:38 I was able to hear the lyrics: " slowly fade away.....start a revolution from my bed.....summertime bloom.....so sally can wait.....knows its too late.. walking on by" etc which is a song by Oasis called Don't Look Back in Anger.

At approximately 18.45 the live music ended and what seemed like recorded music was audible with a drumming bass beat. It was quieter, but still audible in the rear garden of Ynysderw Road.

In my opinion the circumstances as described would constitute a Statutory Nuisance, the music and singing was loud and intrusive forcing the occupiers of the premises to listen to loud music; not of their choice, which continued for a duration of approximately 2 hours, thus preventing them from enjoying the quiet comfort of their home. It would be reasonable for the residents to expect to be able to relax peacefully in the comfort of their home: either inside or outside, on a sunny Sunday afternoon of a Bank Holiday Weekend.

The breach of the licence condition regarding the speakers, the volume of the music, the duration of the music, and

Signature:



Signature witnessed by:

Occurrence Number: |

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Statement of:

Rachel Matthews

the disengaged attitude of the person in charge of the premises was disappointing at such a late stage in the procedure that we have been going through with Live Lounge, and indicated that prevention of Public Nuisance was not a priority to them at this time.

Signature:		Signature witnessed by:	
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Photo 1 RM



Witness Statement 7

Occurrence Number:

URN

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Statement of: Simon Anthony Evans

Witness contact details:

Work address:	Planning and Public Protection, The Quays, Briton Ferry, Neath, SA11 2GG		
Home telephone No.:		Work telephone No.:	01639 685618
Mobile/Pager No.:		Email address:	s.evans@npt.gov.uk
Preferred means of contact (specify details):	Mobile		
Best time of contact (specify details):	09:00-17:00		
Gender:	Male	Date of Birth:	
Ethnicity code (16+1):		Place of Birth:	Haverfordwest
Former Name:		Religion/Belief (specify):	None
DATES OF WITNESS NON-AVAILABILITY:			

Signature:		Signature witnessed by:	
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WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1


Occurrence Number: _____ URN _____

Statement of: **Simon Anthony Evans**Age if under 18: **Over 18** (if over 18 insert 'over 18') Occupation: Senior Environmental Health Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:  Date: 06/09/2022Tick if witness evidence is visually recorded (supply witness details on rear)

1. My name is Simon Evans and I am employed by Neath Port Talbot County Borough Council as a Senior Environmental Health Officer in the Environmental Health Team. As part of my role, I am duly authorised by the Authority under the Environmental Protection Act 1990. I have been employed in local government as an Environmental Health Officer for 24 years, with responsibilities for enforcing the Statutory Nuisance provisions under Part III of the Environmental Protection Act 1990 throughout the whole of that time.
2. On Friday 2nd September 2022 I went to Pontardawe to monitor noise from amplified music arising from a live band playing at The Other Place, Ynisderw Road, Pontardawe. This planned monitoring visit was undertaken in response to complaints made by local residents of loud music noise emanating from this premises.
3. After a walk around other licensed premises in Pontardawe to determine which properties (if any) also had live music that evening, I arrived on Francis Street at 20:40 and immediately heard live music which I sourced as coming from the rear room of The Other Place which runs along Francis Street. Through the window I observed a band playing on stage with 5no. members. From my vantage point on the street, I could hear the music loud and clear and was able to identify the song being played as "Babylon" by David Gray, which was followed by "Losing my Religion" by REM.
4. At 20:45 I moved to a monitoring position outside Ynisderw Road, the home of the complainant Mr Pugh. The music was still clearly audible and at a volume similar to that experienced at Francis Street. I proceeded inside the house but the music was not initially audible over my conversation with Mr Pugh inside the house. At 20:57 I started to hear music faintly during gaps in conversation and at 21:01 the music volume increased so that it started to be more audible in the Living Room of Ynisderw Road, but not so loud that it was over the volume of our conversation.
5. By 21:08 the music volume had increased to the point where I was not only able to hear music over the sound of my conversation with Mr Pugh in the living room, I was able to identify the song being played as "Sweet Dreams" by Eurhythmics. I went outside the front of the house to confirm I was correct on the song being played and noticed that the music volume in the street was louder than when I had been in the same position outside earlier.

Signature:  Signature witnessed by: _____

Occurrence Number: |

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Statement of:

Simon Anthony Evans

6. At 21:20 the music stopped & Mr Pugh commented to me that the bands usually took a break after approximately 45 minutes of playing time. I left Ynisderw Road at 21:24 to undertake another walk around the licenced premises in Pontardawe. On my walk back to Ynisderw Road, I reached the bottom of Herbert Street at 21:49 and heard live music. I climbed the steps from Herbert Street to the bypass, and identified The Other Place as the source of the music. From this location approximately 70 metres from the premises I was able to identify the song being played as "The Tide is High". I proceeded to Francis Street to confirm through the window that the band were back on stage at 21:54. By this time the band was playing "La Bamba" which was clearly audible in the street.
7. At 21:57 I returned to Ynisderw Road, and outside the house the song "Oh what a night" was clearly audible. Inside the Living Room the music noise was more intrusive than what I had observed in the earlier set, and more audible over my conversation with Mr Pugh. At 22:07 a song started playing which was a louder and more intrusive presence in the living room and I was able to identify it as "Video killed the Radio Star". After this song, the music remained audible over our conversation but not at a level where I could identify songs until 22:19 when the volume increased again and I could clearly recognise the song "Teenage Dirtbag". At the end of the song the music returned to a volume where it was audible over our conversation in the living room but not at a level where I could identify songs.
8. The live music ceased to be audible inside the house at 22:32. I left Ynisderw at 22:43 when there had been no further music for more than 10 minutes. I walked to Francis Street and confirmed by looking through the window that the band had ceased playing and were dismantling their equipment from the stage.
9. During our conversations, M and Mrs Pugh informed me that although it was not the loudest music noise they had experienced, what I had observed that evening was fairly typical for Friday night live music from The Other Place.
10. Based on the findings of this monitoring visit, I am satisfied that the volume of music noise that I witnessed emanating from The Other Place would adversely affect the occupants of surrounding residential properties, and that given the duration of the music noise witnessed and the frequency at which such music noise occurs, a Statutory Noise Nuisance was caused.

Signature:		Signature witnessed by:	
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Witness statement 8

Occurrence Number:

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Statement of: Ryan Christopher Shoemark

Witness contact details:

Work address:	Planning & Public Protection, The Quays, Briton Ferry, Neath, SA11 2GG		
Home telephone No.:		Work telephone No.:	01639 685646
Mobile/Pager No.:		Email address:	r.shoemark@npt.go.uk
Preferred means of contact (specify details):	email		
Best time of contact (specify details):	09:00 – 17:00hrs		
Gender:	Male	Date of Birth:	
Ethnicity code (16+1):		Place of Birth:	Swansea
Former Name:		Religion/Belief (specify):	
DATES OF WITNESS NON-AVAILABILITY:	None known		

Signature:		Signature witnessed by:	
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WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Occurrence Number: _____ URN

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Statement of: **Ryan Christopher Shoemark**

Age if under 18: **Over 18** (if over 18 insert 'over 18') Occupation: Environmental Health Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:  Date: 13/10/22

Tick if witness evidence is visually recorded (supply witness details on rear)

1. My name is Ryan Christopher Shoemark and I am employed by Neath Port Talbot County Borough Council as an Environmental Health Officer. My qualifications include an MSc in Environmental Health. I have been employed in local government within Environmental Health for 17 years, of which, during those years I have spent investigating statutory nuisance complaints and authorised to enforce the provisions of the Environmental Protection Act 1990.
2. My statement is with regards to the premises known as The Live Lounge (Public House) located at 9 Ynisderw Road, Pontardawe, Swansea, SA8 4EG.
3. On the 10th September 2022, I was the out of hour's officer for the Environmental Health Department of NPTCBC. A pro-active visit was undertaken to investigate the allegations of excessive noise arising from the premises.
4. At 20:27hrs I observed the premises from the kerbside of Ynisderw Road, Pontardawe, located approximately 25 meters away from the rear lounge area of the premises. At this time the band which was located within the rear lounge was setting up and going through a sound check; the instrumental music was clearly audible.
5. At 20:30hrs the band started their act; the song 'Seven Nation Army' by the band White Stripes was clearly audible and at the time I could make out the distinct sound of a male singer, guitar, base and drums being played.
6. At 20:34hrs a new song started which was unfamiliar to myself but observed the sound level of both the vocalist and the instrumental was significant and clearly audible.
7. At 20:37hrs, new song started, at this time I heard a vehicle moving swiftly towards my location and passed by my position, the sound of the car engine was noted, however, the song being played at this time (Abba 'Does Your Mother Know') was clearly audible over the passing vehicle.
8. Following the previous song at 20:41hrs came a public announcement over the microphone from the band performing and then swiftly moved to play a new song which was identified within the first few moments of the song starting. The song 'One Way Or The Other' by the band Blondie was clearly audible which enabled me to make out the lyrics.
9. At 20:45hrs I visited the complainant's property (Ynysiderw Road) which is located opposite the premises. I met with the client and monitored from the front living room which faces directly

Signature:  Signature witnessed by: _____

Occurrence Number:

URN

Statement of:

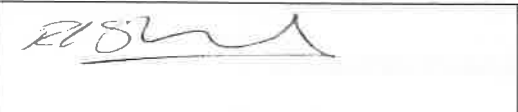
Ryan Christopher Shoemark

towards the premises. It was a mild September's evening and noticed the windows were closed. As I settled myself in the room I could clearly make out the entertainment from the premises, observing the song 'Local Boy In A Photograph by the artist band Stereophonics.

- 10. At 20:50hrs a new song started which was identified as Blink 182, All the Small Things and was clearly audible and intrusive in the front living room. The client and family at this time were located in the rear room sat at the table to have a meal, TV was on in the background and some conversation was taking place, little sound from the premises was observed in the rear living area.
- 11. At 20:53hrs as the client and family continued to have their meal I sat in the front living room. At this time I had background music on at a level which was comfortable for the environment and to mimic a typical and reasonable household activity. During this time, I was able to observe the music entertainment from the premises over the music I had on within the room. The song 'Free From Desire by Gala was clearly audible both lyrics and rhythm.
- 12. At 20:56hrs with our own background music continuing to play, I observed a public announcement from both a male and female performer. This swiftly moved into a new song being sung by the female performer singing 'Long Train Running' by the band Doobie Brothers.
- 13. At 21:00hrs a new song started, this time by the male vocalist, singing, 'Shut Up And Dance With Me by the artist band Fun Guns.
- 14. At 21:04hrs the vocalist changed to the female singer who performed a song by Billy Idol, 'Rebel Yell' the rhythm and lyrics again were clearly audible and intrusive over the background music I was playing.
- 15. At 21:08hrs I identified a change in song. This time the song was sung by the female vocalist with the male vocalist singing during the chorus. The song which was clearly audible was by The Cranberries 'Zombie'. At the same time I noticed the TV sound in the back room had increased as the sound level emanating from the premises was causing distraction.
- 16. At 21:13hrs a new song started which was unfamiliar to me but the lyrics were noted as 'Baby I'm ready to go - from the roof top shout it out'.
- 17. At 21:16hrs the song ended and the performance halted. The change in volume highlighted the impact of the sound level from the premises having on the client's peace and enjoyment of their property.
- 18. My observation and evidence gathered at the complainants property while monitoring the premises 'The Live Lounge', I would consider to be a statutory nuisance as the volume of the music emanating from the premises was determined to be unreasonable, which, noticeably interfered with the use and enjoyment of the complainants home.



Signature:



Signature witnessed by:

witness statement 9

Occurrence Number:

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Statement of: Duncan Hector

Witness contact details:

Work address:	The Quays Brunel Way Baglan Energy Park Neath SA11 2GG		
Home telephone No.:		Work telephone No.:	01639685621
Mobile/Pager No.:		Email address:	d.hector@npt.gov.uk
Preferred means of contact (specify details):	Email		
Best time of contact (specify details):	Office Hours		
Gender:	Male	Date of Birth:	
Ethnicity code (16+1):		Place of Birth:	
Former Name:		Religion/Belief (specify):	
DATES OF WITNESS NON-AVAILABILITY:			

Cover Sheet

Signature:	<i>D Hector</i>	Signature witnessed by:	
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WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Occurrence Number: URN

Statement of: **Duncan Hector**

Age if under 18: **Over 18** (if over 18 insert 'over 18') Occupation: Environmental Health Officer

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: *D Hector* Date: 01/10/2022

Tick if witness evidence is visually recorded (supply witness details on rear)

I am an Environmental Health Officer registered with the Environmental Health Registration Board and have been employed in this capacity by Neath Port Talbot County Borough Council for over seven years and duly authorised by the authority under the provisions of The Environmental Protection Act 1990 and subsequent amendments.

(1) On Saturday 1st October 2022 I was tasked with monitoring licensed premises in Pontardawe with my colleague Mr Calum Lewis. It was a mild overcast evening.

(2) We drove past the Live Lounge Pontardawe shortly after 20.30hrs. A Meat Loaf tribute act clearly audible in the car as we drove up Ynisderw Road, singing "I will do anything for love" I then drove past the Public House along Francis Street which terminates in a cul-de-sac most of the noise appeared to be being emitted via the side of the property boarding Francis Street indicating that the band was located playing in the rear room of the pub.

Page 1 of 2

Signature:	<i>D Hector</i>	Signature witnessed by:	
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Occurrence Number:

URN

Statement of:

Duncan Hector

- (3) We walked along Ynisderw Road noting that the music could be heard at a distance of approximately 200 to 250 yards from the pub.
- (4) We conducted monitoring from the complainants property from 21.00hrs to 21.25hrs where the music was barely audible in the front ground floor reception room and would not be considered a nuisance which was confirmed by the complainants.
- (5) The music was intrusive in the complainants bedroom which lies to the front of the property on the 1st floor; one of the windows was slightly ajar and I could clearly recognise the song sung at as "It's all coming back to me"; and if I had been an aficionado of Meat Loafs music would have been able to clearly identify all of the songs played.
- (6) Whilst the music was intrusive in the bedroom, it was reasonably not considered a nuisance by the complainants at that moment in time as they were not using the bedroom at that time of day.

Page 2 of 2

Signature:

D Hector

Signature witnessed by:

Witness Statement 10

229

Occurrence Number:

URN

Four empty boxes for URN

Statement of: Duncan Hector

Witness contact details:

Work address:	The Quays Brunel Way Baglan Energy Park Neath SA11 2GG		
Home telephone No.:		Work telephone No.:	01639685621
Mobile/Pager No.:		Email address:	d.hector@npt.gov.uk
Preferred means of contact (specify details):	Email		
Best time of contact (specify details):	Office Hours		
Gender:	Male	Date of Birth:	
Ethnicity code (16+1):		Place of Birth:	
Former Name:		Religion/Belief (specify):	
DATES OF WITNESS NON-AVAILABILITY:			

Cover Sheet

Signature:	<i>D Hector</i>	Signature witnessed by:	
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WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Occurrence Number:	URN
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Statement of:	Duncan Hector
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Age if under 18:	Over 18 (if over 18 insert 'over 18')	Occupation:	Environmental Health Officer
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This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:	Date: 16/10/2022
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Tick if witness evidence is visually recorded (supply witness details on rear)

I am an Environmental Health Officer registered with the Environmental Health Registration Board and hold a BSc (Hons) in Environmental Health. I have been employed in this capacity by Neath Port Talbot County Borough Council for over seven years and duly authorised by the authority under the provisions of The Environmental Protection Act 1990 and subsequent amendments.

(1) On Saturday 15th October 2022 I was tasked with monitoring licensed premises in Pontardawe with my colleague Mr Ryan Shoemark. It was an overcast evening with occasional drizzle.

(2) We drove past the Live Lounge Pontardawe shortly before 20.00hrs and conducted monitoring from a complainants rear garden, we could hear the bass of music but not at an intrusive level interspersed with the louder level of an MC. We were unable to monitor from the interior of this occasion and in consideration of the time of year and weather conditions it would not be reasonable to consider the noise a nuisance. However it was noted that the window to the Kitchen at the front of the property facing Ynisderw Road was open. (Exhibits DUH001 & DUH 002)

Signature:		Signature witnessed by:	
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Occurrence Number: _____ URN _____

Statement of: **Duncan Hector**

(3) We relocated to another complainant's property where we monitored from the living room.

The music was faintly audible, but not over the TV played at a normal level or over normal conversation however again the MC was considerably louder than the music. And I would not consider it to be a nuisance.

(4) We conducted monitoring in relation to other licensed premises in the area, returning to the Live Lounge shortly before 22.00hrs. We drove past the Public House along Francis Street which terminates in a cul-de-sac and noticed immediately that there had been a notable increase in the volume which sounded as though it was coming from the rear room of the Live Lounge

(5) We presented ourselves at a third complainant's property conducting monitoring from a 1st floor bedroom with all windows closed. The music was intrusive in the bedroom, even over the conversation of three adults at normal level, as previously noted, whilst the volume of the music had increased the MC announcements were even louder. At 22.07hrs we could clearly hear the MC saying "come on Peter Rees" apparently cheering someone on the dance floor. We could clearly hear "Oops Upside Your Head" by the Gap Band followed by "Do the Locomotion" by Kylie Minogue; and other musical treats. I would certainly consider the noise witnessed to be a nuisance and would consider it to be a breach of the abatement notice served, which is disappointing as prior to 22.00hrs they had demonstrated an ability to control the noise level.

Signature:	<i>D Hector</i>	Signature witnessed by:	
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Occurrence Number:

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Statement of:

Duncan Hector

(6) We departed the property after approximately 15 minutes but remained in our car parked on Ynisderw Road approximately 40 feet from the front of the property. The front kitchen window was still open.

(7) We could clearly hear Eurasure followed by Dexies Midnight Runners and YMCA followed by Journey and Don't Stop; with the last song appearing to be Bright Side of Life. With all music having stopped by 22.50hrs. We left shortly after.

Page 3 of 3

Signature:

D Hector

Signature witnessed by:

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Live Lounge Pontardawe 15/10/2022 @ 20.55hrs - Duncan Hector & Ryan Shoemark



DUH 001 Windows open to the front of the property



DUH 002 Window close- up

From: Ryan Shoemark
Sent: 07 November 2022 19:21
To: Rachel Matthews
Subject: OOH monitoring on Friday 04/11/22 regarding the premises 'The Live Lounge', Pontardawe

Hi Rachel,

Please see notes from OOH monitoring on Friday 04/11/22 regarding the premises 'The Live Lounge', Pontardawe –

- Monitored externally approximately 20 – 25 meters away from premises.
- Entertainment (live band with female vocalist) commenced at 20:30hrs and was situated within the front room of the premises. Rear room showed no signs of entertainment during course of evening.
- Initial songs at start of evening were audible from monitoring position but both myself and LJ were unable to identify the songs amongst the road traffic noise and bonfire night fireworks.
- Between the hours of 20:44hrs – 21:15hrs several songs were clearly audible. The songs sung by the female vocalist included unique styles of John Bon Jovi – Dead or alive, Aerosmith – Cryin and Guns N Roses – Sweet Child of Mine. During this time several other songs were audible, however, due to the unique performance they were unable to be clearly identified.
- At 20:57hrs LJ contacted a complaint. During their conversation taken place beside me, the singers vocals and rhythm of song was constant and noticeably present through the conversation.
- Following an interval break the entertainment remerged at 21:38hrs. The song sung by the same female vocalist was by ACDC – Highway to Hell. At this time it was noted the background noise from road traffic and fireworks had lessened and the entertainment had become more dominant.
- Between the time of 21:41hrs – 22:26hrs various songs were clearly audible from our monitoring position, these songs included – 'I love rock n roll, put another dime in the juke box baby', 'How do I get you alone', Pink – 'Just like a pill', 'Maniac' (song known to me from the film American Pie The Wedding), John Bon Jovi – 'You give love a bad name' (big instrumental intro), White Snake – 'Here I go again on my own' (at the beginning of this song both myself and LJ noticed and witnessed the sense and sound of vibrations emanating from the sound level of the entertainment), Billy Idol – 'Rebel Yell', Europe – 'Final Countdown' (vocalist holding end of notes, wobbling and croaky style of voice).
- At 21:19hrs Female vocalist PA 'Thank you and good night'.
- At 22:20hrs new song began. Female vocalist singing Skunk Anansie – 'Weak' (earlier, during the entertainment I remarked that the vocalist sounded like the singer Skunk Anansie and would imagine that's what they would be singing).
- At 22:26hrs song sung – Journey – 'Don't stop believing'.
- It was noted the second half performance was significantly more audible and prominent within the area.

Ryan Shoemark

Environmental Health Officer/ Swyddog Iechyd yr Amgylchedd

Rhaid i bobl sy'n gosod eiddo eu cofrestru a chael trwydded i'w rheoli, neu ddefnyddio asiant trwyddedig erbyn 23 Tachwedd 2016. I gael gwybod mwy am y gyfraith newydd, ewch i www.rhentudoeth.llyw.cymru

People who rent out properties now have to register themselves and obtain a licence or use a licensed agent by 23 November 2016. To find out more about the new law, visit www.rentsmart.gov.wales



Wedi cofrestru neu'ch trwyddedu eto?
Are you registered or licensed yet?

