

STATEMENT OF WITNESS

(Criminal Procedure Rules, r 27.1(1);
Criminal Justice Act 1967, s. 9, Magistrates' Court Act 1980, ss 5A(3)(a) and 5B)

Statement of **JOHN VERNON CROCKFORD**

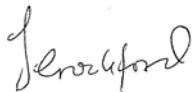
Age of Witness
(if over 18 enter "over 18") **OVER 18**

Occupation of Witness **ENVIRONMENTAL HEALTH OFFICER**

This statement, consisting of **7** pages (including exhibits) 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 9th day of May 2019

Signed



1. I have been employed by Westminster City Council as an Environmental Health Officer for 12 years. I hold a Diploma in Acoustics and Noise Control. My duties include ensuring that sound limiter devices at licensed premises are set to the satisfaction of Environmental Health.
2. I have had a significant level of involvement with the premises at 100 Wardour Street (100WS) and specifically relating to music noise from 100WS impacting upon residential apartments in Soho Lofts above.
3. My involvement does date back to 2012 but with the current operator it began in August 2017. I received an email from [REDACTED] [REDACTED] [REDACTED] advising that he had experienced disturbance from music noise played in 100WS.
4. I visited 100WS together with a colleague Ms Lily Chan and met with Mr Leslie Kwarteng and other representatives of 100WS. The purpose of this visit was to set the sound limiter such that music noise from 100WS was inaudible in the apartments above.
5. [REDACTED] and also arranged access to [REDACTED]. Music noise levels were checked in the basement and it was confirmed that no music was audible in the apartments from this area. Music was played in the ground floor restaurant area and this was audible in the apartments. The music noise level in the "Billiard Room" towards the rear of the ground floor had to be reduced to a relatively low to prevent music noise being heard in the apartments above.
6. Subsequently I confirmed the agreed music noise levels for each area of the building in an email dated 1 September 2019 to Mr Lesile Kwarteng (Exhibit A).
7. I returned to 100WS with Ms Lily Chan on 12 October 2017 to set the music noise level for the atrium area to the front of the premises at ground floor

level. The agreed music noise levels were confirmed in an email from Mr Neil Jarman of Cole Jarman Associates dated 12 October 2017 (Exhibit B).

8. On 16 October 2018 I received an email from [REDACTED] advising that he had suffered a recurrence of music noise from 100WS. An arrangement was made for the sound limiter settings to be rechecked on 30 October 2018.
9. In the intervening period between the organising the sound limiter test and the test taking place, I was made aware that colleagues had heard music noise from 100WS whilst in [REDACTED]. I understand that no further action was taken at this stage since it was understood by all parties that the sound limiter settings were to be rechecked in the following days.
10. I visited 100WS on 30 October 2018 together with a colleague Ms Tamara Al-Obaidi. As previously [REDACTED] provided access to his [REDACTED] and arranged access with other [REDACTED] Lofts. Music was played in the basement and ground floor levels of 100WS at the maximum sound limited level. No music noise could be heard in the apartments. The music noise levels were checked with those set in 2017 and it was apparent that they were unchanged.
11. It was clear that [REDACTED] and the [REDACTED] nts were frustrated by the process and could not see how the music noise levels were unchanged. I agreed that it was unfathomable and that it was difficult to explain.
12. Very shortly after this test further noise complaints were received. It was decided that a further test should be carried out with a live band playing. This was arranged for 4 December 2018.
13. I visited 100WS on 4 December 2018 once again with Ms Tamara Al-Obaidi. The live band consisted of a drummer, saxophonist, keyboard/DJ and two vocalists. The band played music in the basement venue at the maximum limited noise level. No music noise could be heard in [REDACTED]

a [REDACTED] with the band playing. The measured noise level matched those measured previously in August 2017 and October 2018.

14. I was contacted by Mr Leslie Kwarteng in February 2019. He asked if I could attend a demonstration of a new sound system. I was told that they had been using a hired sound system and now wanted to install a permanent solution.

15. I visited 100WS on 5 March 2019 to see the new temporary sound system in operation. I was asked for my thoughts on the system. I said that it certainly provided more clarity than the previous system and it appeared louder (at the same measured level) than the previous system. But I said that without accessing the apartments above I could not definitively say whether it would resolve issues experienced before.

16. A further sound limiter test with the new sound system in place was arranged for 2 May 2019. Once again I attended with Ms Tamara Al-Obaidi and [REDACTED] provided access to [REDACTED] and arranged with the concierge for access to other apartments as required.

17. 100WS engaged the services of a 5-piece live band including a drummer, bass guitarist, keyboards and vocalist. The band played music at the maximum level via the sound limiting system. An assessment was made by Ms Tamara Al-Obaidi from Apartment 35 at 3rd floor of Soho Lofts. Initially she advised that vocals and music noise could be heard. Some adjustments were made to the sound limiter settings over an extended period of testing. This included reducing the bass input levels. Eventually a level was reached where music and bass noise was inaudible within Apartment 35.

18. Ms Al-Obaidi went to the 1st floor to assess the music noise level from [REDACTED]. The assessment was made difficult by demolition works carried out to a building to the rear of Soho Lofts and also internal refurbishment works at an apartment in Soho Lofts.

19. At this stage the visit had lasted for around three hours and it was agreed that there was little likelihood of completing the exercise given the noise from building works

20. It was agreed that a further test would be required to ensure the apartments at 1st floor level were adequately protected from the impact of music noise in 100WS. In the light of the difficulties with construction noise it was felt that this should be done during the evening period. It is hoped that this can be arranged in the very near future.

Exhibit A

Crockford, John: WCC

From: Crockford, John: WCC
Sent: 01 September 2017 16:16
To: Leslie Kwarteng; Lucy Lloyd
Cc: Jellis, Nigel: WCC; Neil Jarman
Subject: Sound limiter settings at 100 Wardour Street

Dear Leslie,

Following on from the measurement data kindly provided by Neil Jarman of Cole Jarman Associates, I just wanted to confirm with you the maximum permissible music noise levels. In the basement area the music noise levels were increased by around 4 dB from the previous limit set to **97 dB L_{Aeq}**. This is as measured around 5m from the stage area. It should be noted that music levels away from the stage area were significantly lower such that they were merely at background music level in the restaurant area to stage left.

The music noise levels in the ground floor restaurant area had to be reduced quite significantly in some areas. The sound insulation between the restaurant and the residential apartments above is quite poor towards the rear of the restaurant, in particular the area of the billiard room. As a result the maximum music noise level in the billiard room is **75 dB L_{Aeq}**. The area close to the DJ booth has been reduced to **81 dB L_{Aeq}** and the area adjacent to the bar speaker to **86 dB L_{Aeq}**. Both the DJ booth and bar speaker measurements are taken around 5m away from the music noise source.

One area of the premises which was not tested as it was being used by patrons at the time is the atrium. I just wanted to remind you that it is important that music noise levels in this area are thoroughly controlled. Historically with the previous operator there had been issues with music noise leaking through the atrium roof. I am aware that a DJ was set up in this area at some point since the noise limiter setting. I would say that this type of activity is inappropriate without further testing to confirm acceptable music noise levels.

Thank you for your co-operation in this matter.

Best regards

John Crockford
Environmental Health Enforcement Officer (Acoustics)
Crossrail & Environmental Sciences
City Management & Communities
Westminster City Council
22nd Floor
Portland House
Bressenden Place
Victoria
London
SW1E 5RS
Tel: 020 7641 3130
Mondays to Thursdays only



Exhibit B

Crockford, John: WCC

From: Neil Jarman <neil.jarman@colejarman.com>
Sent: 12 October 2017 17:22
To: 'Lucy Lloyd'
Cc: Crockford, John: WCC
Subject: 100 Wardour Street -Sound Test 12th October 2017

Lucy,

I write to report the results of the sound tests carried out today in conjunction with Westminster Environmental Health Department, John Crockford.

Ground Floor area under glazed roof

The sound level upon first arrival was set as background music only and so clearly acceptable. The sound level was increased to 86dB LAeq, found to be too high and then gradually reduced to a level of 80dBA found to be acceptable (inaudible as music) in the flat listened from.

The sound spectrum was as follows:

Location	dB LAeq	dB Leq @ octave band centre frequency (Hz)							
		63	125	250	500	1000	2000	4000	8000
Beneath glazed roof	80	61	77	77	75	77	71	66	64

The sound readings were made using a Norsonic 118 precision sound level mete. The meter was calibrated before and after the survey with a Norsonic type 1251 calibrator and found to have drifted by an insignificant 0.1dB.

Regards

Neil Jarman Director
Cole Jarman
Head Office
t +44 (0)1932 829007
www.colejarman.com



Address Details: Head Office | Manchester Office

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