

LICENSING SUB-COMMITTEE

Date: Monday 26 September 2022

Time: 10.00 am

Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Mark Devin, Democratic Services Team Leader (Committees) on 01392 265477 or email Mark.Devin@exeter.gov.uk

Entry to the Civic Centre can be gained through the rear entrance, located at the back of the Customer Service Centre, Paris Street..

Membership -
Councillors Asvachin, Holland and Snow

Agenda

Part I: Items suggested for discussion with the press and public present

1 Appointment of Chair

To appoint a Chair for the meeting.

2 Declarations of Interest

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

3 LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC

It is considered unlikely that the Committee would wish to exclude the press and public during consideration of the items on this agenda. If, however, the Committee were to exclude the press and public, a resolution in the following form should be passed:

“RECOMMENDED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the particular item(s) on the grounds that it (they) involve the likely disclosure of exempt information as defined in paragraph(s) of Part I of Schedule 12A of the Act.”

LICENSING ACT 2003

4 Application to Review a Club Premises Licence

To consider the report of the Service Lead - Environmental Health & Community Safety. (Pages 3 - 66)

Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265275.

REPORT TO LICENSING SUB COMMITTEE

Date of Hearing: 26 September 2022

Report of: The Service Lead - Environmental Health & Community Safety.

Type of Application: To seek a REVIEW of the Club Premises Licence trading as Heavitree & Wonford United Services Club

Legislation: Licensing Act 2003 ('the Act')

Ward Application Refers to: Priory Ward

Applicant: Residents of Wonford Street, Exeter

Premises Address:

Heavitree & Wonford United Services Club, Victory Hall, 104 Wonford Street, Exeter, Devon, EX2 5DE.

1. What is the report about?

- 1.1 Two separate applications have been received from residents of Wonford Street, seeking a review of the Club Premises Licence held by Heavitree & Wonford United Services Club. The applicants have agreed that both applications are to be heard as one. The application for review has been advertised and circulated as required by the legislation. A copy of the notice of the review is attached as Appendix A to this report.

2. Are there any representations?

- 2.1 The legislation requires that any representations in relation to a review must be submitted to the Licensing Authority no later than the 28th day after receipt of the review application. The 28 day period beginning the day after receipt of the application. The last date for representation being the 5th September 2022.
- 2.2 Two applications for review have been received from residents as stated above, the residents reside within the vicinity of the premises. The applications for review are attached as Appendix B and C to this report.
- 2.3 A further representation was received from a local resident on the 28th August and the same resident made further representation on the 4th September. This representation is attached as Appendix D to this report.
- 2.4 Representations have been received from the Devon and Somerset Fire and Rescue Service in their capacity as a Responsible Authority. This is attached as Appendix E to this report.
- 2.5 Representations have also been received from Devon and Cornwall Police in their capacity as a Responsible Authority. This is attached as Appendix F to this report.

- 2.6 Representations have also been received from Simon Ruddy the Principal Environmental Health Officer for Business regulation at Exeter City Council. His representation is attached as Appendix G to this report. Mr Ruddy has produced a detailed statement of his involvement with the premises and this is attached as Appendix H to this report. The statement references a number of exhibits as SR1 to SR10. Exhibits SR1 to SR10 are appended to this report.

3. Report details:

- 3.1 The applications from the residents referenced all four licensing objectives and were received on 8th August 2022. The grounds for the review are given as follows:
- Very loud music.
 - Drunk people in charge of minors.
 - Serving of drunks.
 - Anti-social behaviour outside.
 - Building unfit for purpose that is being used for (i.e. Disco's/Nightclub).
 - Staff unable to control customers.
 - Persons in charge (or claiming to be) drunk.
 - Noise and disorder.
 - Nuisance to the public.
 - Breaches of health and safety law.
 - Offensive language.
 - Smoking close to my premises.
 - Prevention of and protection of children from harm.
- 3.2 The representation received from the local resident references a number of noise disturbance episodes alleged to have originated from the licenced premises and as such concerns the licensing objective of public nuisance.
- 3.3 The representation from the Devon and Cornwall Fire and Rescue Service relates to the objective of public safety and references a number of failings in relation to fire safety at the premise following an inspection on the 5th August 2022.
- 3.4 The representation from Devon and Cornwall Police relates to the objectives of prevention of crime and disorder and public nuisance.
- 3.5 The representation from Simon Ruddy relates to the objective of public nuisance and references a number of noise disturbance episodes from the premises.

4. Legal and Policy Considerations:

- 4.1 The Licensing Sub-Committee are required to have regard to the Statement of Licensing Policy which states in part (paragraph 2.8) that in determining a licence application the Licensing Authority will consider each application on its merits. Licence conditions will be tailored to the individual application and only those appropriate to meet the licensing objectives will be imposed.
- 4.2 The Licensing Sub-Committee are required to have regard to the Official Guidance issued under section 182 of the Licensing Act 2003 revised April

2018. An electronic copy of the official guidance has been provided to each member of the Licensing Sub-Committee.

- 4.3 The Licensing Sub-Committee must have regard to the relevant representation made; the evidence provided in relation to the premises from the parties involved and the evidence it hears, in reaching its decision.
- 4.4 The Licensing Sub-Committee, having regard to the representation, must take such of the following steps, if any, as it considers appropriate for the promotion of the licensing objectives and either modify conditions by altering, omitting or adding them; exclude a licensable activity; suspend the licence for a maximum of three months or revoke the licence.

5. Recommendations:

- 5.1 The Licensing Sub-Committee are required to identify what steps, if any, need to be taken to determine the application.

Service Lead – Environmental Health & Community Safety

Author: Nigel J Marston, Principal Licensing Officer (Acting)

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-
None

Contact for enquires:
Democratic Services (Committees)
Room 4.36
01392 265275

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Appendix A

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LICENSING ACT 2003

APPLICATION TO REVIEW A PREMISES LICENCE UNDER SECTION 51 OF THE LICENSING ACT 2003

Notice is given that applications have been made to Exeter City Council, as the licensing authority, for the review of the premises licence in respect of Heavitree and Wonford United Services Club, 104 Wonford Street, Exeter

The grounds for the review are:-

- **Very Loud Music**
- **Drunk people in charge of minors**
- **Serving of people who are drunk**
- **Anti-social behaviour outside the premises**
- **Building unfit for purpose it is being used for (i.e. disco's/nightclub)**
- **Staff unable to control customers**
- **Persons in charge(or claiming to be) drunk**
- **Noise and disorder**
- **Public nuisance**
- **Offensive language**
- **Prevention of a protection of children from harm.**

Applications can be viewed at **Exeter City Council, Civic Centre, Paris Street, Exeter, EX1 1RQ**. Monday to Friday 09:00 to 16:00.

Representations must be made in writing by e-mailing licensing.team@exeter.gov.uk or by posting to the above address by 5th September 2022

IT IS AN OFFENCE knowingly or recklessly to make a false statement in connection with an application for which you may be liable to a fine of up to £5000 on summary conviction.

Date of Application: 08.08.2022

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Appendix B

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**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 [REDACTED]

(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 10 24 WONFORD STREET WONFORD EXETER DEVON EX25DF	
Post town EXETER	Post code (if known) EX25DF

Name of premises licence holder or club holding club premises certificate (if known) HEAVITREE & WONFORD UNITED SERVICES CLUB VICTORY HALL
--

Number of premises licence or club premises certificate (if known) NOT KNOWN
--

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)



2) a responsible authority (please complete (C) below) ☐

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 ✓ yes

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
Telephone number (if any)
E-mail address (optional)

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

Please state the ground(s) for review (please read guidance note 2)

NOISE & DISORDER

NUISANCE TO PUBLIC

LOUD MUSIC

BREACH OF HEALTH & SAFETY LAW - Not LAOS

OFFENSIVE LANGUAGE

SMOKING CLOSE TO MY PREMISES

PREVENTION OF & PROTECTION OF CHILDREN FROM HARM.

Please provide as much information as possible to support the application (please read guidance note 3)

CLIENTS USING THE CLUB CONTINUALLY OUTSIDE NEXT TO MY FENCE, ADJACENT TO OUR DRIVE. THEY SMOKE IN THIS AREA, WHICH IS OFTEN TIMES FLOATING INTO OUR HOME. THATS IF WINDOWS IN OUR HOME ARE OPEN!

THEY USE THE FIRE EXIT DOORS, WHICH ARE PROPED OPEN 99% OF THE TIME THE CLUB IS OPEN. ALONG WITH THE WINDOWS ALSO OPENING TOWARDS OUR HOME.

THEY HAVE, MOST WEEKENDS, GROUPS, PARTIES/ DISCO'S/ ~~OR~~ OR JUST VERY VERY LOUD MUSIC BLASTING OUT OF THE OPEN DOORS & WINDOWS. OBVIOUSLY THIS IS ABSOLUTELY HORRENDOUS TO HAVE TO ENDURE. THIS BEHAVIOUR GOES ON ANY DAY OF THE WEEK, EVEN SUNDAYS!! THIS IS ACCOMPANIED BY THE SHOUTING/ LAUGHING, SWEARING. ALL 11.5 FT FROM OUR HOME.

ON OCCASIONS, CHILDREN ARE IN ATTENDANCE AT PARTIES/FUNCTIONS. THIS IS A PARTICULAR CONCERN AS THEY ARE OFTEN A NUISANCE, RUNNING AROUND OUR STREET, KNOCKING ON DOORS & RUNNING AROUND UNCHECKED.

AS A COMMUNITY WE LIVE IN DREAD OF THE CLUB BEING OPEN!! WE HAVE TO CLOSE OUR WINDOWS & DOORS TO PREVENT/FILTER SOME OF THE ASSAULT VIA NOISE & MUSIC.

~~WE~~ I HAVE BEEN INTO THE CLUB ON NUMEROUS OCCASIONS TO RAISE THESE ISSUES & CONCERNS WITH WHOEVER IS ON DUTY. MOST RECENTLY, SAT 16TH 7/22 PM I SPOKE TO REES WHO SAYS HE'S MANAGER. AND STILL, AS I WRITE THIS FORM, THE SITUATION IS THE SAME.

THIS CONTINUED BAD BEHAVIOUR IS CAUSING WIDESPREAD DISCOMFORT/ ANGER/ MENTAL HEALTH & PHYSICAL HEALTH ISSUES. CHILDREN IN THE NEIGHBOURHOOD ARE BEING SUBJECTED TO ALL THIS NOISE/ SWEARING/ LOUD MUSIC & GENERAL BAD BEHAVIOUR. THIS IS DAY & NIGHT...

ALSO PARENTS HAVE TO CLOSE WINDOWS.

SO THAT THEY DONT HEAR IT SO MUCH THE ISSUE OF GIGGLETE ENDS ALL OVER THE PATH IS ALSO AN ISSUE.

WE HAVE, LACK OF SLEEP BECAUSE OF PEOPLE LEAVING LATE AT NIGHT, HANGING AROUND TALKING & SMOKE & SHOUTING OUTSIDE OUR HOMES

Please tick ✓ yes

Have you made an application for review relating to the premises before

☐

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the 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 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

[Redacted Signature]

Date

21st July 2022

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

[Redacted Contact Name and Address]

Post town

EXETER

Post Code

[Redacted Post Code]

Telephone number (if any)

[Redacted Telephone Number]

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

[Redacted E-mail Address]

Notes for Guidance

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

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Appendix C

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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 _____

(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 HEAVITREE AND WOLFORD UNITED SERVICES CLUB 144, WOLFORD STREET EXETER	
Post town EXETER	Post code (if known)

Name of premises licence holder or club holding club premises certificate (if known) N/A
--

Number of premises licence or club premises certificate (if known) N/A
--

Part 2 - Applicant details

I am _____

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)



2) a responsible authority (please complete (C) below)

☐

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 ✓ yes

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)

AS ABOVE

E-mail address (optional)

AS ABOVE

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
N/A
Telephone number (if any)
E-mail address (optional)

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

Please state the ground(s) for review (please read guidance note 2)

- 1, Very Loud Music
- 2, Drunk People in charge of minors
- 3, Serving of Drinks
- 4, Anti Social Behaviour outside
- 5, Building not fit for Purpose that it is being used for (ie Disco's/Nightclub)
- 6, Staff unable to control & customers
- 7, Persons in charge (or claiming to be) Drunk.

Please provide as much information as possible to support the application (please read guidance note 3)

16-4-2022

LOUD MUSIC Blaring out at MIDNIGHT
UNABLE To sleep

8-5-2022

LOUD MUSIC
ADULTS AND KIDS SHOOTING AT MIDNIGHT

4-6-2022

LOUD MUSIC FROM 19:00 GOT LOUDER AS
EVENING WENT ON

10-6-2022

MUSIC FROM 19:00 TURNED UP LOUD FROM 19:45
FIRE EXIT DOORS AND WINDOWS OPEN
WHilst we had to shut our KIDS PLAYING
OUT ON STREET, ADULTS SHOOTING AT MIDNIGHT
we had to RETIRE TO BACKBEDROOM AND PUT
HEADPHONES ON TO LISTEN TO TV. THEN HAD TO
TRY AND SLEEP WITH EARPLUGS IN.

24-6-2022

Very LOUD MUSIC, People SHOOTING, MUSIC GOT
LOUDER AS EVENING WENT ON
I WENT TO COMPLAINT, GOT THREATENED BY
A DRUNKEN MAN WHO SAID THAT HE WAS
RUNNING IT. WHO ALSO THREATENED TO PUT MY
LIGHTS OUT.
PEOPLE STILL OUTSIDE A 00:20hr

26-6-2022

SUNDAY AFTERNOON VERY LOUD MUSIC FROM
14:20 COULDN'T ENJOY OUR OWN GARDEN
FINISHED FINALLY AT ABOUT 19:30.

SEE NEXT
SHEET

Please provide as much information as possible to support the application (please read guidance note 3)

8-7-2022

Very LOUD Music from 2000 Doors open
Windows open

HAD To WATCH TV, with Headphones
on [New TV and Noise Cancelling Headphones
Cost over £500 just for some peace]

UNABLE To sleep at Bedtime

16-7-2022

Away But Told it was bad as
usual.

17-7-2022

SUNDAY AGAIN LOUD Music from 14:00
Very Hot Day COULD NOT sit in garden
But they HAD Both Doors AND Windows
open THATS NOT FAIR

we sat indoors with Headphones on
~~14-6-22~~ LK

19-7-2022

A WAKE NOT AS BAD AS USUAL
But People still coming out of LWB
Some with Beer glass's

My wife HAS Video's on
Mobile at various Dates, But
DON'T know how To Show Them
To you.

Please tick ✓ yes

Have you made an application for review relating to the premises before

☐

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

N / A

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 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

..... 27/07/2022

Capacity

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

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. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Appendix D

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Appendix D

From:

Date: 4 September 2022 at 15:17:18 BST

To: licencing.team@exeter.gov.uk

Cc:

Subject: Fwd: Noise from Heavitree & Wonford United Services Club

PLEASE SEE EMAIL BELOW & with thanks to Simon Ruddy for his response

It's 14.30 on 4/9/22 and the noise from the club has started up again - another Sunday afternoon ruined by having to be spent shut in the house with doors & windows closed in order to get some peace. Everyone who visits is shocked that this is allowed to happen in a residential area.

I've said my piece below (did mean to write & "even that pales in significance to this").

If Social Clubs are set up for the Community, this is definitely not benefiting us - it is so horrendous that everyone in the immediate area's "health & wellbeing" is undoubtedly being affected.

I hope the Council will take into consideration that we would like to see this area as improving and not be subjected to inconsiderate persons who appear to 'have little or no regard for their social responsibilities and certainly not for their community. There is a Pub up the road, maybe allowing that to thrive, especially when many are going out of business, by not competing with cheap booze from a Social Club would be worth taking into consideration.

I hope this will be addressed at your meeting.

Regards,

Sent from my iPad

Begin forwarded message:

From:

Date: 28 August 2022 at 20:26:29 BST

To:

Subject: Noise from Heavitree & Wonford United Services Club

I have telephoned & complained following excessive noise from this Club before. I know a neighbour has also contacted you in the last month or so, & probably more have I'm sure. It has been a bit quieter from the music side of things, since then, however, occasionally a lot of noise after 11 pm closing, the other night a huge fight & foul language argument until 12.30. My son went down to ask them to be quiet & someone else yelled "will you just go home". They did eventually!

Then we have the bottles being emptied into the bins after closing time..... that is ongoing. People do get up early to go to work!!

But today we were back to LOUD, LOUD music, PA System from 2 pm. This is just unacceptable! I am a [REDACTED] up at the hospital & I am sick of not being able to enjoy my home & garden when I am off. I have lived in my house since 1998 & although I won't deny there has been the occasional leery, drunken fights at full volume, this noise pales in significance. And today only 1 door towards the back was open, can you imagine what it's like when they open the front too.

Please can you explain what has changed with licensing of this place? In the 24 years I have lived here I have never known anything like this.

I have recorded it, should you wish to come round & listen. I look forward to hearing back from you with an action plan.

Thanks,

Sent from my iPad

Appendix E

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Hi Nigel,

For your information we carried out a fire safety inspection at the premises on the 5 August 2022. The fire safety issues raised with the responsible person were as follows:

- No fire risk assessment for the premises was available at the time of inspection.
- Storage on the means of escape (external path).
- Fire resisting doors must be effectively self-closing and in good repair.
- The responsible person should know the maximum safe occupancy number for the premises and ensure that the premises do not become overcrowded.
- The responsible person must ensure that fire safety provisions such as fire alarm, escape lighting, firefighting equipment and other fire safety provisions are properly tested and maintained in line with current guidance.

If you require any further information, please do not hesitate to contact me.

Kind Regards



Fire Safety Inspector
Middlemoor Fire station

Devon and Somerset Fire and Rescue Service
Sidmouth Road
Exeter
EX2 7AP

P please don't print this email unless you really need to.



From: Nigel Marston <Nigel.Marston@exeter.gov.uk>

Sent: 08 August 2022 13:07

To:

Cc: Vicky Limb <Vicky.Limb@exeter.gov.uk>

Subject: Review application - Heavitree & Wonford United Services Club

Sensitivity: Confidential

Dear all,

Please find attached 2 separate applications for review of the above premises. As both applications relate to the same premises, it is my intention to roll them together into a single review.

I have also attached a copy of the review notice, which gives the applicants grounds for review and the pertinent dates for receipt of representations.

regards

Nigel J Marston (he/him)

Licensing Officer

See our [privacy notice](#) for details on how we manage personal information.

Disclaimer: <http://www.exeter.gov.uk/disc laimer>

Appendix F

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Licensing Objectives: To prevent crime and disorder.

To prevent public nuisance.

On 28/01/2020 23:54:52 the police received log no: DCP – 200128-0903 regarding an incident that occurred on 25/01/2020 at the above premises

A local resident stated there was;

‘anti-social behaviour from persons attending the club who were out in the street. Many youths were drinking, and some were smoking cannabis. They were so loud that we could not hear our TV. The swearing was not acceptable in a public place. I went out to have words with them but was met with a lot of verbal garbage, later my wife told them to be quiet and had the same reception. The club have no control over what goes on when they have these gatherings. I could not get through on 101 so gave up. Surely, they have to take some control as a club in a residential area’

PCSO [REDACTED] contacted the reporting person who informed him that although the club is generally run ok there are frequent parties of teenagers who cause disorder.

The previous Licensing Officer (LO) from Devon and Cornwall Police [REDACTED] arranged and held a meeting with PCSO [REDACTED] and the then Club secretary [REDACTED] on 26/02/2020 at 10:00hrs held at Heavitree Rd Police Station. At the meeting it transpired they had been holding functions for anybody looking for a place to use inc 18th and 21st birthday parties as well as wakes including non-members. It also became clear they had no knowledge of the Licensing Objectives and the club was not being operated in good faith or according to the legislation regarding Club certificates.

The LO advised Mr [REDACTED] this can no longer happen. They could explore applying for a premises licence or if they have events to apply for a Temporary Event Notice.

He asked for an action plan within 14 days with things for them to consider.

Challenge 25

New set of bar rules, incident book etc’

13/03/2020 - Mr [REDACTED] was going to send the requested plan as soon as was able to take steps and actions required.

03/06/2020 - Due to the COVID 19 restrictions this item was closed due to the likely hood of the premises being closed for the foreseeable future.

14/04/2022 - Email received from Environmental Health regarding noise issues at premises with events being held frequently which often went on past midnight

19/07/2022

Email received from Simon Ruddy at Environmental Health

Since mid-April we've been receiving complaints from local residents about noise and anti-social behaviour at Heavitree and Wonford United Services Club, 104 Wonford Street. There are now five complainants, all of whom are close neighbours (see attached map). The general consensus is that the club is being run more like a pub, with regular live music, disco & karaoke, particularly on Friday and Saturday evening and Sunday afternoons. The complainants mention noise being an issue because of windows and doors left open; they also complain about noise from members outside the club, smoking, shouting, arguing etc. One of the complainants alleges a member of staff has been verbally abusive to her partner and talks of another incident where a neighbour was 'assaulted' (no more information on this). A couple of complainants claim to have spoken to the club about the issues without any resolution, one allegedly being told that they 'shouldn't have moved next to a club'. All anecdotal, this, of course.

I've received log sheets from one complainant who noted loud music on five occasions in June (all of which were within the clubs' licensing hours but often went on all evening until 23:30). There was a live band on the afternoon of Friday 26th June which two complainants said was very loud. A second complainant is particularly upset about the situation; I've shown her how to use the Noise App to record future events and given advice about licensing reviews. This complainant claims to have called 101 on Sunday 17th July to report anti-social behaviour (but claims to have been left on hold and not left a report).

A check on the club's Facebook page showed:

- 'Live music from Claire Bell' on Friday 8th July, 8pm. It was advertised as *free entry*; it's not clear whether this was for club members and guests only.
- The same singer appears (with karaoke) advertised on the afternoon of Sunday 13th July. Again, Facebook says ***free entry to all, please share.***
- Sunday bingo 7pm – *come and support your local club. Use it or lose it.*
- Friday night kids disco during summer holidays; £1 per child.
- 'Jai Rocks the 70s' – live music, Friday 2nd September 20:00 (same band on 26th June)
- 'Abba tribute coming soon'
- 16th July – 'weekend offer – all Cactus Jack shots £1 each or 2 for £1.50. Help us get rid of them'

04/08/2022 Spoke with **Mike Finn** who is the last known club secretary, he no longer holds this post and has given me the name **of Mike Collins** who has taken over the position. Mr

Representation in Respect of Heavitree & Wonford United Service Club – 104 Wonford Street, Exeter, EX25DE

Collins is under the impression they are able to charge £3 to members of the public which gives them temporary membership to live music when held, this does not meet the criteria of having a 48hr gap between a candidate for membership applying and then gaining the privileges of membership. (Section 62 Licensing Act 2003)

As of 19/08/2022 The premises are continuing to advertise live music and tribute acts at £3 for **non members**.

A date of 09/08/2022 was originally arranged to meet with Mr Collins to discuss the way the premises are being run. This meeting was postponed until 16/08/2022 which was then cancelled due to review.

It is clear that there have been issues at these premises from as far back as January 2020, had it not been for the Pandemic and the closure of the club during lockdown it is probable that the Police would have taken action before.

With regards to the more recent problems the police had commenced our normal practice of a stepped approach to addressing the problems, this can be seen by the fact we had a meeting arranged with the club secretary prior to this review being submitted by local residents.

It would appear to the police that these premises are being run as if they were a pub with a premises licence as opposed to a premises with the benefit of a Club Premises Certificate.

Non members appear to be allowed admittance and allowed the privileges of membership in a way not in accordance with the Licensing Act, which puts into question the club's "Qualifying Club" status.

It would appear that the majority of complaints are of noise coming from the premises, with the additional issue of persons congregating outside.

There should not be anyone outside with open containers of alcohol as this is not allowed due to the mandatory condition on a club premises certificate.

I will leave the issue of the noise from entertainment to the Local Authority Environmental Health department to address.

Should the committee feel that applying additional conditions to the licence I would suggest the following conditions:-

"After 9 pm there shall be no more than 6 persons at a time allowed outside of the premises to smoke"

"There will be no entry/re-entry to the premises after 9pm except for those patrons who have left the premises for the purposes of smoking."

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Appendix G

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EXETER CITY LICENSING AUTHORITY

Licensing Act 2003: Representation form

NOTE: This form includes a section to confirm successful mediation between Responsible Authorities and the applicant. This includes the agreement of conditions.

1. Your details

Responsible Authority:	Environmental Health & Community Safety, Exeter City Council
Your Name:	Simon Ruddy
Job Title:	Principal Environmental Health Officer
Postal address:	Civic Centre, Paris Street, Exeter EX1 1RQ
Email address:	
Contact telephone number:	

2. Premises details

Name of the premises you are making a representation about:	Heavitree and Wonford United Services Club
Name of the applicant:	
Address of the premises you are making a representation about:	104 Wonford Street, Exeter

3. Representation information

Which of the four licensing objectives does your representation relate to?	Yes Or No	Please detail the reason(s) for your representation, including any relevant evidence. This <u>MUST</u> include a clear statement as to why the representation is considered appropriate and necessary. Please use separate sheets if necessary.
To prevent crime and disorder	No	
Public safety	No	
To prevent public nuisance	Yes	Complaints made to Environmental Health & Community Safety by local residents re. noise from amplified music at the Club and anti-social behavior from patrons outside the premises. Please see my supporting statement for further details.
To protect children from harm	No	

4. Additional information and mediation

Do you have any suggested conditions or alterations to the application that would remedy your representation? If so, please list them clearly. Please use separate sheets if necessary.	Club's windows and doors to remain closed when amplified music is played at the premises. Restrictions on the number of persons outside the club, particularly later in the evening (say after 21:00)	
If the applicant agrees to the amendments you have set out in the box above, would you be willing to withdraw your representation?	Yes	No
If you agree to withdraw your representation, do you also agree that there is no need for a hearing?	Yes	No
If you are unwilling to withdraw your representation, please detail the reasons for this. This information will be provided to the licensing sub-committee in advance of a hearing.	I have dealt with seven separate residents' complaints regarding these matters. I rather suspect that the local residents who have called for the review will be able to provide a much more detailed, first-hand account of the alleged public nuisance and its effect on their lives than I and still feel that a hearing should go ahead so their evidence can be considered by the Committee. I've requested, twice by letter and twice by telephone, that a responsible person from the Club contacts me to discuss this matter but have had no response.	
Any additional information?	Supporting statement and exhibits (SR/1 to SR/10) summarizes my involvement with complaints of alleged noise and anti-social behavior from the Club, April onwards.	

Signed:



Date: 30 August 2022

Please return this form along with any additional sheets to: Exeter City Licensing Authority, Civic Centre, Paris Street, Exeter EX1 1JN or email to licensing.team@exeter.gov.uk. This form must be returned within the Statutory Period.

5. Confirmation of agreement

If an amendment to the application has been agreed between the applicant and the Responsible Authority making the representation, the applicant must sign below to confirm the amendments to the application set out above and their agreement.

Name of applicant:

Signed:

Date:

Appendix H

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Heavitree and Wonford United Services Club – Licensing Act Representation, Environmental Health & Community Safety, Exeter City Council

1. I am Simon Ruddy, Principal Environmental Health Officer of Exeter City Council's Business Regulation Team. This statement is in support of my representation relating to a review of the Club Premises Certificate of Heavitree and Wonford United Services Club, Wonford Street Exeter; it summarises complaints received by Exeter City Council's Environmental Health & Community Safety Service regarding alleged statutory noise and public nuisance issues at the Club from April 2022 onwards.
2. On **Monday 25 April 2022**, Environmental Health and Community Safety's support team received a call from a resident of Amersham Court regarding late night music at weekends from Heavitree & Wonford United Services Club. The complainant alleged that he was disturbed by music as late as midnight and that the situation was unacceptable, particularly given that Amersham Court consists of sheltered accommodation for the elderly.
3. I sent a standard noise complaint letter to the manager of the Club, dated **29 April 2022**, setting out our approach to investigating alleged statutory noise nuisance, reminding them that the prevention of public nuisance was a licensing objective and asking them to contact me to discuss the matter further. A copy of this letter is attached, ref. SR/1.
4. I also sent a letter and some Noise Complaint Record Forms to the complainant, asking him to log any particularly loud events over the next few weeks.
5. On **Monday 9 May 2022**, I received a phone call from the complainant who told me that there were regular – often weekly – discos at the Club, usually on Friday and Saturday night, until 23:30. He said that, most recently he had been disturbed on Friday 6 May, 19:30 until 23:30. The music and the sound of the DJ's were intrusive, he claimed.
6. I checked the licensing register; the Club has a premises certificate for live music until 23:00 on a Friday, 23:30 on a Saturday but there was no mention of recorded music. I asked Alan Drake, the then Principal Licensing Officer, to make enquiries as to whether a licence was required for amplified music. Alan told me that it depended on how the disco was organised; he confirmed in an email dated 11 May 2022 that he had written to the Club, reminding them that a club operating under a premises certificate should not be run as a commercial enterprise.
7. On **Thursday 9 June 2022**, I received a completed Noise Complaint Record Form from the complainant, a copy of which is attached, ref. SR/2. The complainant recorded three occasions when he was kept awake by (his words) *constant loud music*:
 - a. Friday 6 May, 19:30 until 23:35
 - b. Friday 3 June, 20:00 until 23:30
 - c. Saturday 4 June, 19:00 until 23:15
8. (Friday 3 June and Saturday 4 June were Jubilee Bank Holiday Weekend dates, which the complainant acknowledged).

9. As I had received no reply from my letter to the Club on 29 April, on **10 June 2022** I called the only contact that I could find on our Environmental Health Database - a [REDACTED], whose name was on the Club's food premises register. Mr [REDACTED] claimed that he was no longer directly involved with the Club but was aware of the noise issues that he thought, in part, might be due to the door being left open. He said that he would talk to the committee about the issue, and then find a name and contact number of somebody with whom I could discuss matters.
10. On **Monday 27 June 2022**, the complainant called me to advise that he had been disturbed by loud music on:
- Friday 17 June, 20:00 to 23:30
 - Saturday 25 June, 18:00 to 23:10
 - Sunday 26 June, 15:15 onwards (he say that he went out; it had stopped on his return)
11. He said that there had also been live music on Friday 24 June but this wasn't too loud.
12. Also on **Monday 27 June 2022** a second complainant – a resident of Wonford Street, called me. She claimed there had been issues with the Club since the lifting of Covid restrictions, including loud music, shouting and general anti-social behaviour in the street. She said there was loud music on the afternoon on Sunday 26 June although a live music event on Friday 24 June was quiet, suggesting that the Club is able to run events without causing a nuisance.
13. I advised the complainant that she could use our Noise App to record any future nuisance type behaviour and submit these to us.
14. The Club's Facebook page listed the following events:
- *Saturday 7 May 19:30 Karaoke*
 - *Thursday 2 June 18:00 Disco - DK Entertainment Co.*
 - *Friday 3 June Disco 20:00 - 80's disco night with Rhys**
 - *Sunday 5 June - 13:50 - Sunday funday - bingo with cash prizes, win your drink, family requests with Rhys*
 - *Friday 10 June 19:00 - Fundraiser and raffle*
 - *Friday 17 June - 19:00 Karaoke**
 - *Friday 24 20:00 June Old Skool Rox*
 - *Sunday 26 June 16:00 Jai Rocks (100 years celebration of club)**
 - *Friday 8 July 20:00 Claire Bell*
- (*events that generated complaints)
15. I had still heard nothing from the Club by this stage so called [REDACTED] again on **Wednesday 29 June 2022**. Mr [REDACTED] said that it was the Club's 100th anniversary, so there had been a number of celebratory events in June. He told me the secretary was a [REDACTED] and that he would ask him to call me.

16. Also on **Wednesday 29 June 2022** a third complainant – another resident of Wonford Street - called to complain about (his words) *loud disco or karaoke music every Friday and Saturday night and all day Sunday*. He claimed that the Club had front and side doors open and that there were smokers outside and *unsupervised shouting and swearing until late at night*.
17. I sent this complainant a letter and Noise Record Forms.
18. On **Friday 1 July 2022** a fourth complainant – another resident of Wonford Street- contacted us about noise on the weekend of 24-26 June. I sent this complainant a letter and Noise Record Forms.
19. I then sent a second letter, dated 29 June 2022, to [REDACTED], the name given to me by [REDACTED] as Club Secretary, to advise him of these complaints and, as before, set out our approach to investigating nuisance – both statutory and public. I asked Mr [REDACTED] to contact me to discuss the matter. A copy of this letter, reference SR/3, is attached.
20. To this date, I have received no contact from anybody at the Club.
21. On **Monday 18 July 2022**, I received a further phone call from one of the complainants regarding loud music on the evening of Saturday 16 July; the complainant alleged that the Club's doors and windows were open. The following day another one of the complainants emailed to say that loud music on the afternoon of Sunday 17 July prevented him from enjoying his garden; that he had to sit inside with the windows closed, whilst the Club windows were open. The complainant remarked how he thought the Club wasn't being run as a club anymore, that it was, in his opinion, more like a pub.
22. On **Tuesday 19 July 2022**, early afternoon, I received a call from one of the complainants advising that there were a number of drinkers outside the club. I walked past the premises at 13:50; there were approximately 20 people standing outside; I could hear general chitchat from the group from my position on the opposite side of the street but there was no music; in my opinion, this did not constitute a statutory noise nuisance or public nuisance.
23. On **Friday 22 July 2022**, a fifth complainant – another resident of Wonford Street – contacted us about noise from the Club, claiming it was an issue *from Thursday until Sunday*. The complainant was also not happy about the noise made by members leaving the Club. I sent this complainant a letter and Noise Record Forms.
24. Also on **Friday 22 July 2022**, at 22:01, one of the complainants uploaded a Noise App recording of live music. The upload stated that the recording was made in the hallway. Loud music (particularly bass) and several people talking can be clearly heard on the recording. A copy of this recording is available ref. SR/4.
25. On **Saturday 23 July 2022**, at 22:15, a Noise App recording of live music was uploaded by the same complainant. The upload states that it was recorded in the bedroom and contains the comment *trying to sleep, need to put earplugs in*. What sounds like muffled amplified singing plus general voices (including those that appear to be children's) can be heard. A copy of this recording is available, ref. SR/5.

26. A second Noise App recording was recorded at 23:02 on the same night. The upload states that it was recorded in the bedroom and says *people outside club talking loudly trying to sleep*.
27. On **Friday 29 July 2022**, at 22:13 a Noise App recording was uploaded from another complainant. The comment with the upload was *I can hear the loud talking and the swearing in the conversation as I'm going to settle in bed*. In the recording, a conversation between two males can be clearly heard. A copy of this recording is available, ref. SR/6.
28. On **Saturday 6 August 2022**, at 19:45, a Noise App recording of live music was uploaded from the same complainant who uploaded on 22 and 23 July. The recording, which the app says was made in the hallway, contains muffled bass and persons talking/shouting/screaming (possibly a child screaming). A copy of this recording is available, ref. SR/7.
29. Another recording was uploaded at 22:12 on the same evening. The upload states that it was made in the bedroom; muffled bass and a conversation between two males can be heard, with other voices in the background. A copy of this recording is available, ref. SR/8.
30. A final recording was made at 23:08. The upload states that the recording was made in the bedroom and contains the comment *after spending an evening with headphones on now trying to sleep hot night but have to have windows closed very loud music and drunk people outside shouting*. Bass can be heard in the recording with the sound of people talking above this. A copy of this recording is available, ref. SR/9.
31. On **Saturday 20 August 2022** at 20:10, I cycled past and stopped outside the Club; there were two or three people standing outside by the fence. The front (Wonford Street) door was closed, the side door open. There was no audible music at the time.
32. On **Sunday 21 August 2022** at 18:45, I walked past the Club, which was open but quiet. There was nobody outside the Club at the time.
33. On **Tuesday 30 August 2022** (after the August Bank Holiday weekend), I received two more complaints from Wonford Street residents about loud music and anti-social behaviour from the Club. One complainant said that there was loud music from 14:00 on 28 August which meant that they were unable to enjoy their home or garden. There were also alleged issues with occasional noise after the club closed at 23:00 and reference to a fight and argument at 00:30 one night.
34. The complainant asked if something had happened regarding the licensing of the Club, as they had never known conditions like this in the 24 years of living in Wonford Street.
35. Both of these complainants complained about the noise from empty bottles being emptied into bins after closing time.
36. In summary – since late April, I have received complaints of alleged noise and anti-social behaviour from seven local residents. The Club is surrounded on all sides by residential property and a common complaint relates to the noise of amplified music escaping from

- open doors and windows, particularly on Friday and Saturday nights. There is also a second issue around anti-social behaviour from persons standing outside or leaving the premises.
37. Wonford Street is predominantly residential, narrow and doubtless has a low background noise level at night so the potential for disturbance is greater than, say, a city-centre location.
38. As far as I am aware, the only outside space to the Club is at front and down one side of the building, where it would appear people stand to get fresh air. A Street View image, ref. SR/10 is attached which shows the proximity to nearby residential properties.
39. I have received complaints of noise from amplified music on one occasion in May, five in June, four in July and two (to date) in August. I have monitored the Club from Wonford Street on three occasions but have yet to witness the noise myself; however the Noise App recordings made by two of the complainants give a good indication of the disturbance that be caused by both amplified music and people talking/shouting/screaming.
40. It is extremely disappointing that, despite two letters and phone calls, nobody from the Club's committee has contacted me to discuss the matter.
41. I believe that further public nuisance issues could be mitigated by keeping doors and windows closed whenever amplified music is played; one must be mindful, however, that good ventilation is important when it comes to controlling the risk from Covid - a balance needs to be struck so that airflow is not restricted.
42. It may also be prudent to consider whether access to the outside area is restricted in some way - perhaps a limit to the number of people outside at any given time, particularly later in the evening (say after 21:00).
43. Two complainants mentioned noise from the disposal of empty bottles late at night. This activity should be scheduled at a time of day that is not likely to cause noise issues.
44. If these simple actions prove ineffective, then specialist sound insulation and other changes to the building structure, design and layout may be required to sufficiently control noise. In this case, the advice of an acoustic consultant is important to ensure that adequate measures are implemented.

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The Manager
Heavitree And Wonford United Services Club
104 Wonford Street
Exeter
Devon
EX2 5DE

**Please ask
for:**

Simon Ruddy

Direct Dial:

Email:

Our ref:

22/01551/COMNOI

Your ref:

Date:

29 April 2022

**This is an important letter from Exeter City
Council and not a circular**

Dear Sir/Madam

Environmental Protection Act 1990

Clean Neighbourhoods and Environment Act 2005

**Report of alleged noise nuisance arising from Heavitree and Wonford United Services
Club, 104 Wonford Street, Exeter, Devon EX2 5DE**

I have received a complaint of an alleged noise nuisance caused by loud music being played until midnight at weekends at the above premises.

At this stage I do not have any evidence to support this complaint but am bringing the matter to your attention for you to consider whether or not any remedial action is necessary.

Exeter City Council has a duty to investigate all reports of nuisance. If a statutory nuisance is witnessed and continues unabated we are obliged to take formal action under the provisions of the above legislation. Evidence gathering for such action may involve unannounced personal visits by staff from this Department or the use of remote recording equipment.

You will also be aware that the prevention of public nuisance is one of the key objectives of the Licensing Act; failure to meet this objective can trigger a review of your premises licence.

In our experience this type of problem is best dealt with on an informal basis and therefore your co-operation would be appreciated. Please call me to discuss this using the number above.

Yours Faithfully

Simon Ruddy
Principal Environmental Health Officer
Environmental Health and Community Safety

Statutory Noise Nuisance

Under the Environmental Protection Act 1990 it is an offence to cause a statutory noise nuisance.

What is a statutory noise nuisance?

Nuisance can be described as an act that causes unreasonable disturbance to the use and enjoyment of one's property (e.g. regular intrusive loud music from an above or nearby property).

It is a common myth that noise levels are controlled by the time of day. Many people believe that they may play loud music all day as long as they turn it down at 11pm. This is totally untrue. There are no set times or levels which determine whether noise is causing a statutory nuisance. Officers must use their professional judgement to decide whether the offending noise is causing an unreasonable disturbance to the use and enjoyment of the complainant's property.

The role of the City Council

Exeter City Council has a statutory obligation to investigate complaints of alleged noise nuisance. If this service receives a complaint we must take reasonable steps to investigate that complaint and if we believe a statutory noise nuisance exists, is likely to occur, or is likely to recur, then we can serve a Noise Abatement Notice. This is a legal document requiring the abatement of the nuisance immediately, or within a specified timescale. We can also outline steps that must be taken so as to assist this abatement.

How do we investigate the complaint?

In most cases officers from our service will try to personally witness the noise or digital noise monitoring and recording equipment may be used to obtain evidence of a noise nuisance.

In all cases of noise nuisance the complainant is required to complete a noise record sheet. This enables them to detail the times and the effects of the alleged noise. Accurate and comprehensive noise records can be used as evidence in the noise investigation and may provide the basis for any subsequent legal proceedings.

The legal implications of causing a noise nuisance

If a statutory noise nuisance is proven then a Noise Abatement Notice will be served. A witnessed contravention of this Notice, by an authorised Council officer, is an offence under the Environmental Protection Act 1990. This will result in an appearance before the Magistrates' Court, where fines of up to £5,000 per offence for domestic premises or an unlimited fine for a commercial premise can be issued. Each witnessed contravention of the Notice can be deemed a separate offence.

In relation to this the City Council also has powers to enter property and seize all equipment capable of amplifying sound. This could mean a stereo system, a radio alarm clock or even a television!

And finally, we don't want to spoil anyone's fun we just want people to think about the noise they may be making and to 'tone it down' if it's disturbing their neighbours. We will take effective action against those people who refuse to do so.

SR/2



NOISE COMPLAINT RECORD FORM

Ref: 22/01551/COMNOI

In order to assist officers of this department in investigating your complaint regarding **Heavitree and Wonford United Services Club 104 Wonford Street Exeter Devon EX2 5DE**, you are asked to keep a record of the noise problem that is troubling you. Please keep a note below and on a separate sheet if necessary of the date when the noise occurs, the time it starts and finishes and the way in which it affects you.

Name: [REDACTED] Address: [REDACTED]

Date	Start Time	Finish Time	Description Of Noise	How It Affects You
e.g. Monday 1/01/2021	12pm	2.30am	Constant Loud Music	Kept awake
6.5.2022 FRIDAY 6.5.2022	APPROX 2.30 PM	APPROX 11.35 PM	CONSTANT LOUD MUSIC	KEPT AWAKE
3.6.2022 FRIDAY 3.6.2022	APPROX 8 PM	APPROX 11.30 PM	CONSTANT LOUD MUSIC	KEPT AWAKE
SATURDAY 4.6.2022	APPROX 7 PM	APPROX 11.15 AM	CONSTANT LOUD MUSIC	KEPT AWAKE

I confirm that the above information is, to the best of my knowledge, a true and accurate record of the nuisance caused. I understand that this information may be used as evidence in the Magistrates' Court.

Signed: [REDACTED]

Date: 7. JUNE 2022

Please return your completed record sheet to: Environmental Health Services, Freepost EX 132, Civic Centre, Paris Street, Exeter, EX1 1RQ

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Civic Centre, Paris Street, Exeter, EX1 1JN
www.exeter.gov.uk

Mr [REDACTED] Secretary
 Heavitree and Wonford United Services Club
 104 Wonford Street
 Exeter
 Devon
 EX2 5DE

Please ask for: Simon Ruddy

Direct Dial: [REDACTED]

Email: [REDACTED]

Our ref: 22/01551/COMNOI

Your ref:

Date: 29 June 2022

This is an important letter from Exeter City Council and not a circular

Dear Mr [REDACTED]

Environmental Protection Act 1990
Report of alleged noise nuisance arising from amplified music at Heavitree and Wonford United Services Club, 104 Wonford Street Exeter Devon EX2 5DE

I have received four complaints of alleged noise nuisance from amplified music at Heavitree and Wonford United Services Club. The complaints generally relate to weekend evenings, with music often reported until after 23:00; an event on Sunday 26th June from 3pm was also reported as being particularly loud. The complainants allege that the matter is made worse by the Club's doors being left open during these events.

At this stage I do not have any evidence to support these allegations but am bringing the matter to your attention for you to consider whether or not any remedial action is necessary.

Exeter City Council has a duty to investigate all reports of alleged nuisance. Evidence gathering may involve unannounced personal visits by staff from this Department or the use of remote recording equipment. If the noise is deemed to constitute a statutory nuisance we are obliged to take formal action under the provisions of the above legislation. Failure to comply with an abatement notice served in respect of a statutory nuisance is an offence.

You will also be aware that the prevention of public nuisance is one of the key objectives of the Licensing Act; failure to meet this objective can trigger a review of your club premises certificate.

In our experience this type of problem is best dealt with on an informal basis; therefore your co-operation would be appreciated. Please call me to discuss this on the number above.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Ruddy'.

Simon Ruddy
 Principal Environmental Health Officer
 Environmental Health and Community Safety

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SR 4 to SR 9 – Audio Files for presenting at the meeting:-

- SR 4 – Audio Recording to be played at the meeting (Live Music);
- SR 5 – Audio Recording to be played at the meeting (Live Music);
- SR 6 – Audio Recording to be played at the meeting (Loud Talking);
- SR 7 – Audio Recording to be played at the meeting (Live Music);
- SR 8 – Audio Recording to be played at the meeting (Muffled Bass Talking); and
- SR 9 – Audio Recording to be played at the meeting (Loud Music and Shouting).

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SR/10



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