



SR/1

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

The Manager
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 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.