

Statement of witness

Statement of: Alice Louise Hasted

Age of witness: Over 18

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

Dated the 18th day of July 2022

Signed:

1. I am an Environmental Health Officer of Exeter City Council with whom I have worked for 6 years. I have responsibilities for the enforcement of food, health and safety and environmental protection legislation in respect of businesses within the city of Exeter; part of that role involves the investigation of statutory nuisance, as defined under section 79 of the Environmental Protection Act 1990.

2. On 25th July 2021, I received 3 complaints regarding loud music in the garden of Heavitree Social Club on East Wonford Street from individuals on Avondale Road, Mayfield Road and Attwyll Avenue. From looking at Google maps I noted that Social Club sits within its own grounds surrounded by residential properties on all sides.

The complaints reported :-

a) *"Music from Heavitree Social Club is getting worse again now the weather is nice and restrictions have been lifted. They called the club to ask them to turn the music down as they could not hear their partner speaking when sat next to them inside the house."*

b) *" Heavitree Social Club playing extremely loud music outside near lots of residential housing. Phoned the social club, however loud music continues to play."*

c) *"Very loud live outside music from Heavitree Social Club in a residential area. Have spoken to the manager to complain."*

(see appendices AH01, AH02 & AH03 for redacted complaints)

Signed:

Statement of witness

Statement of: Alice Louise Hasted

I sent information to all three complainants about statutory noise nuisance, diary sheets for them to fill in and an offer to witness the noise from their homes next time it happens

3. I called Mark Hunt on 30th July to inform him about the noise complaints from the 25th July He told me there would be another event on the Sunday. The licence allows him to have live outdoor music until 8pm and outside must be closed by 23.00
4. I received a further complaint from one of the complainants on 2nd September stating the noise is more frequent now, most weekday nights and weekends. I replied on 6th September offering to witness the noise from their home or to install a noise monitoring equipment (Matron), and that they continue to fill in the diary.
5. On Monday 6th September 2021 I received a complaint from [REDACTED] [REDACTED] (see Appendix AH04). The rear of the property backs onto the grounds of Heavitree Social Club. [REDACTED] reported loud music played in the garden of Heavitree Social Club on Bank Holiday Monday 30th September, he also provided video footage of the music. I watched the two videos which were taken outside directed towards a boundary wall with what looked to be bouncy castles and top of a possible gazebo on the other side. I could hear loud amplified dance music and somebody speaking on a microphone (see Appendix AH05 for audio/video clip)
6. At around 14.30pm on Monday 6th September I contacted [REDACTED], he said loud music was being played at the time of our conversation, which I could hear in the background, and said another event would be held the next day between 12.00noon and 17.00pm. I agreed to visit the next day to witness it. I also sent information about statutory noise nuisance, diary sheets, a link to the noise app and a link to the premises licence.
7. On Tuesday 7th September 2021 at approximately 14.30pm, I visited [REDACTED]. I could clearly hear loud amplified music as I walked up to the house. I could hear the music as I walked into the house, the rear door to the garden and windows to the rear of the house were closed, but the front door was open. I stood in the garden and it was difficult to hold a conversation with [REDACTED] and his neighbour as the music was so loud. I could clearly hear the music in the dining room with the windows closed, this is used as

Signed:

Page 2 of 5

Statement of witness

Statement of: Alice Louise Hasted

██████████ area to work from home. I went upstairs to the rear bedroom where their 4 year old son occupies, the window was closed but I could still here the music. The music was less audible in the bedroom to the front, occupied by ██████████ his partner and their 3 month old baby. ██████████ contacted Heavitree Social Club while I was there and asked them to turn down the music. As I walked to Heavitree Social Club I could clearly hear the music to the side of the premises on East Wonford Hill and as I approached the premises.

8. I spoke to the Club Owner Mark Hunt outside the front of the social club, I asked him to turn down the music, but he refused stating he had a right to hold these events and play music outside. I accepted his licence allows him to hold these events but said that the music is too loud and should be turned down. I did not feel he was willing to discuss the matter further and left the premises.
9. ██████████ later submitted Noise App recordings at 15.26pm that showed the extent of the loud noise (see Appendix – AH05 for noise app clip).
10. Following witnessing the noise of the music on 7th September from ██████████ property and that I see no reason why these events won't continue. Heavitree Social Club advertise these events on their website and Facebook page. I consider this is sufficient evidence to determine a statutory nose nuisance.
11. Therefore I believe that an abatement notice, served under S80 of the Environmental Protection Act, requiring noise from amplified music on the premises to cease is the most appropriate response here.
12. On 13th September Simon Ruddy and I took the Abatement Notice to Heavitree Social Club (see Appendix AH06), we met both Mark Hunt and his wife. Both Mark and his wife were confrontational and intimidating, it was not possible to have a conversation with them and were not willing to accept the notice or that what they were doing was wrong. We left the notice with them and left. I found the meeting stressful and uncomfortable.
13. On 11th July 2022 ██████████ emailed to inform me of an event at Heavitree Social Club on Sunday 10th July (see Appendix AH07), he said he was upset following very loud music being played in the garden of the social club which he could hear in multiple parts of

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Statement of witness

Statement of: Alice Louise Hasted

this house and could not get away from it. On Saturday and Sundays from 10.00am there is non-stop commercial radio, children screaming from bouncy castle and splash park which makes it extremely hard to enjoy his home and garden (see Appendix AH06). I listened to the noise app recordings he'd made. The first one was from his garden at 14.00pm, this was a very loud live country/rock style band with bass guitar, drums and singing. The next recording was at 14.02pm inside his dining room, the music was more muffled but you could hear the lyrics I could hear "the power of love" and other words. Near the end of the recording you could hear a child crying, presumably [REDACTED] 1 year old daughter. At 14.04pm a further recording was made in children's bedroom, I could clearly hear the words to 'Walking on Sunshine' being played by the band (see Appendix AH05 for Noise App clips and audio/video clips).

14. [REDACTED] who lives at [REDACTED], who is [REDACTED] next door neighbour also submitted noise app recordings for 10th July at 14:12pm taken from her garden, The live band was very loud and I could clearly hear the lyrics to "everybody wants to rule the world" (see Appendix AH05 for Noise App clips). There was also a video of the event posted on Heavitree Social Club's Facebook page.
15. On 13th and 15th July I took statements from [REDACTED]. A letter was also posted to Mark Hunt on 15th July informing him of the latest complaints, this was following several attempts by Simon Ruddy to call him (see Appendix AH08).
16. On Friday 15th July [REDACTED] sent some further noise app recordings, this time at 11.22pm described as a wedding party at Heavitree Social Club. The recording was taken inside his daughter's bedroom. I could hear muffled thumping bass, dance music, and people's voices. I could not hear what they were saying or what music was being played but at that time of night especially for a young child it would be disturbing. (see Appendix AH05 for Noise App clips)
17. [REDACTED] submitted noise app recording at 11.15pm on 15th July, taken from her garden. I could hear thumping bass dance music and people shouting, talking loudly. (see Appendix AH05 for Noise App clips)

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Statement of witness

Statement of: Alice Louise Hasted

18. I noted looking at the Noise App [REDACTED] had submitted recordings on 17th June 2022, as he had not contacted me about this, I had taken no action for this day. The recordings were taken at 19:57 and 20:57 in his garden. He mentions his kids are trying to sleep. I could hear pumping bass dance music, people's voices, men shouting and children screaming. . (see Appendix AH05 for Noise App clips)
19. From these occurrences so far, I see no reason why the Heavitree Social Club will not hold further events during the year of a similar nature.
20. Telephone call with Mark Hunt and Simon Ruddy on 20th July. Mark informed us that the next live band in the garden on 31st July had been cancelled and the next events would be on 7th and 28th August.
21. As an event in the garden was still listed on the Heavitree Social Club website. On 29th July at approximately 14.15pm Ben Turner and I installed matron recording equipment in the rear dining room of [REDACTED] On 3rd August Ben Turner completed the matron analysis. I listened to the video recordings taken on both 30th and 31st July, which were extremely loud bass, guitar, singing from the band.
22. On 8th August [REDACTED] sent me a video recording of the band in the garden of Heavitree Social Club on 7th August between 14.00 and 17.00pm. The video were taken by his neighbour in [REDACTED] I could hear very loud amplified electric guitar and drums.
23. I consider these occurrences are a clear breach of the Abatement Notice served on 13th September 2021.

Signed:

Page 5 of 5