

Alice Hasted

From: [REDACTED]
Sent: 25 July 2021 15:24
To: Alice Hasted
Subject: Re: [EXTERNAL SUSPICIOUS MESSAGE] Re: Noise complaint

Hi Alice

I haven't heard from you in awhile.

I just wanted to let you know that the music from Heavitree Social Club is getting worse again now the weather is nice and restrictions have been lifted. I've just called Heavitree to ask them to turn the music down as I cannot hear [REDACTED] peaking when he is sat next to me in the house. I've been told they have music on in the back garden, I thought their license was not for outside music?

Please can you contact me.

Thanks

On Sat, 5 Jun 2021, 09:47 [REDACTED] wrote:
Hi Alice

Please see the screen shots below of the noise record I have been keeping with an app.

Hope that helps, thanks.

[REDACTED]

On Sat, 5 Jun 2021, 09:42 [REDACTED] wrote:
Hi Alice

Thank you for your email.

Out of interest is the other resident in a similar location to us? The readings I am getting, certainly in our garden is 40d most of the time when they have the music playing. In our room it is around 35d which I understood to be a noise nuisance?

If you're able to come one Saturday morning to listen that would be great please. The issue is that [REDACTED] working nights now that it is summer will want to have the windows open but it's so loud he can't which means then he cannot sleep as he is too hot. I have the door open now as it's warm and the music is so loud I can hear all do the lyrics as if the music were playing loudly in my own garden. We don't even listen to music that loud when we are in our garden!!

Particularly with a baby on the way who will be sleeping in the back room also, this really isn't acceptable.

It starts at 930 on Saturday and varies on how long it is playing, normally an hour or two before a match starts. Sometimes it goes on after that too.

At the moment they haven't had any music on during the week. Not sure if that will change.

Thanks

Exeter City
Council

From: Exeter City Council
Sent: 25 Jul 2021 15:33:53 +0100
To: Environmental Protection / Environmental Health
Subject: Make a noise complaint - FS351786680

A **Make a noise complaint** form has been submitted with the following details

Case ref is: FS351786680
Uniform Reference is: 21/01383/COMNOI
About the noise

What type of noise are you reporting: **Loud music**

How frequent is it: **Recurring weekly**

How long does it last: **Hours at a time**

Details about the noise: **Heavitree social club playing extremely loud music outside near lots of residential housing .**

No action has been taken

About the offender

What address is the noise coming from:

Wingfield Park

2

East Wonford Hill

EXETER

Devon

EX1 3BS

Reporter does not know details of those responsible.

About the reporting customer:

Title: XXXXXXXXXX

Exeter City
Council

From: Exeter City Council
Sent: 25 Jul 2021 15:49:56 +0100
To: Environmental Protection / Environmental Health
Subject: Make a noise complaint - FS351787397

A **Make a noise complaint** form has been submitted with the following details

Case ref is: FS351787397
Uniform Reference is: 21/01384/COMNOI
About the noise

What type of noise are you reporting: **Loud music**

How frequent is it: **Recurring weekly**

How long does it last: **Hours at a time**

Details about the noise: **Very loud live outside music from Heavitree Social Club, in a residential area.**

Details of action taken: **Have spoken with the Manager to complain, and advised I am contacting the Council.**

About the offender

What address is the noise coming from:

Wingfield Park

2

East Wonford Hill

EXETER

Devon

EX1 3BS

Offender's first name: **Heavitree Social Club**

Offender's last name:



From: [REDACTED]
Sent: 31 Aug 2021 08:16:56 +0100
To: Environmental Protection / Environmental Health
Cc: [REDACTED]
Subject: Heavitree Social Club

Dear Sir or Madam

I hope this email finds you well? Please kindly acknowledge receipt of this email and that you can access and have viewed the audio/video files linked within.

My partner and I live at [REDACTED] a property that shares a boundary wall with Heavitree Social Club - and we would like to **flag** the volume we had to endure on Bank Holiday Monday provided by a DJ and rave music in the Heavitree Social Club garden. We would also like to provide, for the record, audio and video footage relating to what we think is a breach of the Environmental Protection Act 1990.

Please see the audio/video links below:

- <https://photos.app.goo.gl/HYotLHXrs616Fnkq5>
- <https://photos.app.goo.gl/TcW3erFhM6kNoA5V6>

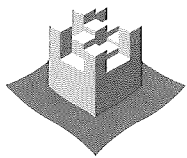
As a family of four, with a 3-month-old baby, we cannot see how this in any way could be considered acceptable in a built-up residential area? Day or Night.

We understand that Heavitree Social Club, has some form of entertainment license - but it would seem quite clear to us that the attached video footage, clearly shows a 'statutory nuisance' as this music was unreasonably and substantially interfering with the use or enjoyment of our home and garden. Given the volume, and our situation with a newborn baby; music this loud, is likely to cause her harm or injury. And may well cause harm to our own health, be that mental or physical.

We have flagged this with Heavitree Social Club, but have not received a response yet, however, as good neighbors we are keen to work together to prevent a situation like this from ever occurring again.

It would be really helpful to understand what you think are the best next steps here?

As a DJ who regularly plays events in Exeter, I fully understand how noise can impact those around us, and note that at many venues I have DJ'd at in the city there have been noise impact assessments and limiters fitted to ensure that noise does not reach a certain DB level - can you please let me know if a noise impact assessment has taken place at Heavitree Social Club? And whether any advice / or limiting-based equipment has been supplied or suggested.



Exeter
City Council

Mr M Hunt
Heavitree Social Club
Wingfield Park
2 East Wonford Hill
Exeter
EX1 3BS

Please ask for: Alice Hasted
Direct Dial: 01392 265760
Email: alice.hasted@exeter.gov.uk
Our ref: 21/01942/COMNOI
Your ref:
13 September 2021

Dear Mr M Hunt

**Heavitree Social Club, Wingfield Park, 2 East Wonford Hill, Exeter, EX1 3BS
Environmental Protection Act 1990**

I am writing to you in relation to the complaints received regarding noise from the external parts of the premises at the Heavitree Social Club.

I have undertaken monitoring of the noise at the property of one of the complainants. Based upon this monitoring and evidence provided by that complainant, I have determined that noise from music in the external parts of the premises is causing a statutory nuisance under Section 79(1)(g) of the Environmental Protection Act 1990. I therefore have a duty to serve an abatement notice under S.80 of the same legislation

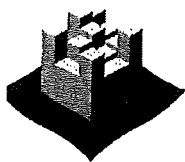
I enclose this notice, addressed to you as Company Secretary of Heavitree Social Club Limited.

The notice requires you to abate the nuisance forthwith and prohibits its recurrence. I draw your attention to the premises licence conditions which state:-

1. A telephone number shall be made available and displayed in a prominent location where it can conveniently be read from the exterior of the Premises by the public for local residents to contact in case of noise-nuisance or anti-social behaviour by persons or activities associated with the Premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records will be made available for inspection and copying by an authorised officer of a responsible authority throughout the trading hours of the Premises.

2. The Premises Licence Holder or nominated person shall control the sound levels of any music played on the Premises.

Complying with these licence conditions would lead to an improvement in the noise being emitted. You may also wish to consult with sound engineers and acoustic consultants as appropriate to ensure that you are reducing noise levels as much as reasonably possible.



Exeter
City Council

Exeter City Council
Civic Centre
Paris Street
Exeter
EX1 1 RQ

Notice Environmental Protection Act 1990, Section 80

Abatement Notice in Respect of Statutory Nuisance

Recipient Name
Mark Hunt (Company Secretary) Heavitree Social Club Limited

Address
Heavitree Social Club Limited, whose registered office address is
2 East Wonford Hill, Exeter, Devon, EX1 3BS

Statutory Nuisance Take notice that, under the provisions of the above-mentioned legislation, Exeter City Council 'the Council', being satisfied of the existence of a statutory nuisance under Section 79(1)(g) of the Act at:

Heavitree Social Club Limited, whose registered office address is
2 East Wonford Hill, Exeter, Devon, EX1 3BS

within the district of the said Council arising from noise from amplified music

Abatement As the person responsible for the said nuisance, the Council requires you


forthwith

to abate the same and also prohibit the recurrence of the same.

Suspension This is a Notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal this Notice shall not be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

Penalties If, without reasonable excuse, you contravene or fail to comply with any requirement of this Notice you will be guilty of an offence under Section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to an unlimited fine. The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this Notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Appeals You may appeal against the Notice to a Magistrates' Court within 21 days beginning with the date of service of the notice. See the notes for information on appeals.

Officer Signature: 

Name: Alice Hasted
Title: Environmental Health Officer
Date: 13 September 2021
Contact address: Civic Centre, Paris Street, Exeter, EX1 1RQ
Email: environmental.protection@exeter.gov.uk
Telephone: 01392 277888

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under Section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph 2(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of the appeal the court may:

- (a) Quash the abatement notice to which the appeal relates, or
- (b) Vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
- (c) Dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

(6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit:

- (a) With respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
- (b) As to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exercising its powers under paragraph (6) above the court:

- (a) Shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
- (b) Shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

Suspension of Notice

3. (1) Where:

- (a) An appeal is brought against an abatement notice served under Section 80 or Section 80A of the 1990 Act, and
 - (b) Either -
 - (i) Compliance with the abatement notice would involve any person in expenditure on the carrying out of the works before the hearing of the appeal, or
 - (ii) In the case of a nuisance under Section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
 - (c) Either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met
- the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where:

- (a) The nuisance to which the abatement notice relates -
 - (i) Is injurious to health, or
 - (ii) Is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
- (b) The expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice:

- (a) Shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
- (b) Shall include a statement as to which of the grounds set out in paragraph (2) apply.

Advice

If you do not understand the contents of this Notice or would like to know more about it, please contact the local authority. If you would like to receive independent advice about the contents of this Notice, your rights and obligations then please contact The Citizens Advice Bureau, Housing Aid Centre, Law Centre or solicitor.
