

## Statement of witness

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Statement of: [REDACTED]

### 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 1<sup>st</sup> day of September 2022

Signed:

1. My name is [REDACTED] and I live at [REDACTED] in Exeter with my partner and two daughters aged 1 and 5 years old. I have lived in Exeter for my entire life, and for the majority in Heavitree itself. My eldest child attends a local Heavitree primary school. Prior to children, I used to be a dance music DJ at the Exeter Phoenix, just off the high-street in Exeter and subsequently I am aware through my involvement in the promotion of music in Exeter of the impact that noise can have in residential areas. As an Exeter native, we chose to move to this road, because it was peaceful, and we believed that it would be a fantastic location to bring up our children. We want to work constructively with the social club to ensure a positive relationship. But it is clear to me that there is a lack of respect shown to the neighbourhood currently by Heavitree Social Club
2. The rear of my property shares a boundary wall with Heavitree Social Club which is situated on East Wonford Road, Exeter. The social club sits within its own grounds and the garden (where the problematic outdoor entertainment takes place) is surrounded on several sides by residential properties (see Exhibit JG01 for its location)
3. Despite an uncontested abatement notice being in place since 2021, based on loud dance music endured during 2021 - for an example see the following URL: <https://photos.app.goo.gl/FvUPbDXkvspXDTs9>, on Sunday 10<sup>th</sup> July 2022 we had to endure very loud music from a live band (see Exhibit JG02 for audio and video footage taken of the event). The set up for this event started at c.1330 PM and after the band had finished there was then loud music until c.1900 PM. When amplified music or bands are playing, we are unable to fully enjoy our property, especially our garden and when live music is on in the garden, the noise is so loud that we must leave our property. We cannot see how the volume of the music witnessed in Exhibit JG02 could be considered acceptable in a built-up residential area whilst there is an abatement notice in place. The music as evidenced in Exhibit JG02, can be heard so clearly and loudly inside all rooms of my house and we simply could not get away from the noise.

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When reviewing documentation relating to the social clubs premises license, in regard to Outdoor Music, there was vociferous feedback delivered by the local community in the form of representations against the license:

<https://committees.exeter.gov.uk/documents/g6644/Public%20reports%20pack%2012th-Nov-2020%2010.00%20Licensing%20Sub-Committee.pdf?T=10> (see pages 37-52)

Similarly, on the 15<sup>th</sup> July 2022 a wedding reception was held at the Social Club and loud dance music was playing inside – which could be heard **within** our house past 2330 (see Noise App recordings). When you cannot get away from the noise inside your own home, it creates stress and anxiety and makes you want to leave.

In addition to this – on the 31<sup>st</sup> of July another event was held in the garden of Heavitree Social Club – which forced my partner and young children from our house. On this occasion the council had installed the MATRON noise monitoring device in our home, and I stayed inside to record. Alongside evidence collected through the matron device I made several video based recordings which are available here: <https://photos.app.goo.gl/MPPAzNaGAeUUQyEeA> and <https://photos.app.goo.gl/N1NTY7kw1nyNVYGm9>. The event was “live streamed” via Facebook and comments on the live feed suggested the music could be heard from Rifford Road which is approx. 0.4 of a mile away. Other neighbours further down our road left their houses to find out what was going on and a work colleague who lives on Salters Road contacted me to find out whether the music he could hear was from Heavitree Social Club. Additional events were held on the of the same guise happened on the 7<sup>th</sup> and 28<sup>th</sup> of August 2022.

4. Based on my research using free-to-use tools like Google Maps, the distance between the outdoor area (where music takes place) and my children’s bedrooms is minimal. It means, as an example, should the children wish to take a nap during the day - they would be unable to - due to the combined noise relating to recorded and amplified music and the splashpark and bouncy castles.

5. During the warmer periods of the year and at weekends, across both Saturdays and Sundays from around 1100 AM there is also non-stop music (commercial radio - with adverts) played all day, one can only assume, based on the music, that it is for the benefit of the adults who

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attend, rather than the children who attend to use the various garden facilities: bouncy castles, splash park and kids play area. When music is playing, we are forced to listen. The radio station (usually "Kisstory") can be so loud that I can hear which songs and adverts are playing from inside my house. I own a Google Pixel 6 phone - and it can pick up what's playing and tell me the exact song etc. On one occasion, I called the social club as the radio was still playing around 6.50pm at which point they turned it off. This combined with the children playing/screaming from both bouncy castle and splash park (which I understand based on my conversations with Exeter City Council has **no** planning permission) means that its extremely hard for us to enjoy our garden whilst events such as these take place. We actively avoid inviting friends over at the weekends as the loud noise would prevent us from having a conversation in the house or garden and enjoying what is usually a very calm and peaceful area (despite its location next to one of the main arteries of the city: Heavitree Road).

6. The outdoor live music events make me, and my family feel anxious and as evidenced by the example of Exhibit JG02, and the additional videos attached to this Witness Statement make it impossible to enjoy our home as it is taken over by the noise generated by Heavitree Social Club. Given the high temperatures, even with closed windows or doors, the sound permeates throughout the house. It forces us to leave our property to seek peace and quiet. As a full-time consultant for a management consultancy - the weekends are often the only time enjoy my property as I work Monday to Friday.

7. It's worth me also stating - that we did not personally complain about the Jubilee Event held at Heavitree Social Club (which was of a similar nature to the event held on the 13<sup>th</sup> and 31<sup>st</sup> of Jul - because we were not at home - and it felt wrong too - given the prominence of the occasion). However, others in the neighbourhood may have complained.

8. I am concerned that given the noise from loud music from similar events last year across multiple occasions which resulted in Exeter City Council serving an Abatement Notice, that with the summer holidays imminent this disturbance will reoccur. Based on the gig listings **as of 13th July 2022**, and located here: <https://www.lemonrock.com/heavitreesocialclub?page=gigs> - you can see several instances of live bands performing in the garden.

In my opinion, there is no difference between the events that preceded the abatement notice and

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the events that have or are due to take place this year in the garden of Heavitree Social Club.

9. Clearly, we accept that living next to a social club, there will be some degree of noise from families enjoying the garden at the weekend, or even from the five a side pitches during the week etc but we are concerned that the ambitions / behaviours of the social club in relation to the garden are more like that of a pub rather than a traditional social club. The current licensing agreed with Exeter City Council appears to provide Heavitree Social Club with the ability to play outdoor music from 1100 or 1200 until 2000 nearly every day of the year. Given the recent Covid-19 pandemic, I wonder whether the right level of due diligence was conducted by Exeter City Council as to its location in a quiet residential area. It seems clear to me that there should be a full review of their license(s) in regards to music outdoors.

We are especially concerned, as are many in the neighbourhood, that the licensing department even decided to grant Heavitree Social Club any form of license for outdoor music given the proximity to residents. As one representation states in relation to the license request:

*"Members of the social club do not have to put up with the noise; they can walk away if they choose."*

I understand that Heavitree Social Club are currently in the process of having their premise license reviewed by Exeter City Council (as of 1<sup>st</sup> September) on the following grounds with a hearing scheduled for the 20<sup>th</sup> September.

- Nuisance witnessed at the premises
- Loud Music internally and externally
- Loud external activities – Splash pool

Signed:

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