

# APPENDIX C.3

Redacted

## 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:	Exeter city Council
Your Name:	Alice Hasted
Job Title:	EHO
Postal address:	Exeter City Council, Civic Centre, Paris Street, Exeter
Email address:	Alice.hasted@exeter.gov.uk
Contact telephone number:	01392 265760

#### **2. Premises details**

Name of the premises you are making a representation about:	Quayside Distillery
Name of the applicant:	George Nightingale
Address of the premises you are making a representation about:	60A Haven Road, Exeter

#### **3. Representation information**

<b>Which of the four licensing objectives does your representation relate to?</b>	<b>Yes Or No</b>	<b>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.</b>
To prevent crime and disorder		
Public safety		
To prevent public nuisance	Yes	Quayside Distillery is very close to residents at Terracina Court - We've had a number of complaints from the residents regarding patrons from Quayside Distillery congregating outside and loud amplified music from the premises, we have audio/video and matron recording evidence of this. See supporting evidence for further info.
To protect children from harm		

#### 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.	Given the close proximity to residents at Terracina Court and previous evidence of noise during 2023 of patrons congregating outside conditions are unlikely to prevent any public nuisance. Also, as the doors to Quayside Distillery would be open more frequently it is likely to increase escape of noise from amplified music inside the building.	
If the applicant agrees to the amendments you have set out in the box above, would you be willing to withdraw your representation?	<b>Yes</b>	<b>No</b>
If you agree to withdraw your representation, do you also agree that there is no need for a hearing?	<b>Yes</b>	<b>No</b>
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.		
Any additional information?		

Signed:



Date: 29/04/2024

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](mailto:licensing.team@exeter.gov.uk). This form must be returned within the Statutory Period.

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#### 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:

## Quayside Distillery – Licensing Act Representation, Environmental Health & Community Safety, Exeter City Council

1. I am Alice Hasted, Environmental Health Officer in Exeter City Council's Business Regulation Team. This statement is in support of my representation relating to an objection to the full variation application to licence the pontoon outside Quayside Distillery; 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 July 2023 onwards.
2. On **Monday 24<sup>th</sup> July 2023** Environmental Health and Community Safety's support team received a call from a resident at Terracina Court next to Quayside Distillery reporting noisy people below window smoking/drinking. They called again on **Wednesday 26<sup>th</sup> July** to state they had film evidence and was getting increasingly distressed by the situation.
3. On **Wednesday 26<sup>th</sup> July 2023** I spoke to a second complainant from Terracina Court who is friends with the first complainant, she said there are noisy people standing below their window smoking and drinking, when they asked the DPS if this could be stopped he was offensive and rude. I said I would discuss with licensing on a way forward and how to move people away to stop disturbance.
4. On **Monday 31<sup>st</sup> July 2023**, I sent an email to the DPS to inform him of the complaint about noise from customers standing outside Quayside Distiller talking loudly causing disturbance to neighbouring residents. The DPS acknowledges email and informs of threatening behaviour from the complainants at Terracina Court.

Licensing and the Police had been contacted by the DPS and it was agreed that he would stop customers/patrons using the side entrance nearest to the complainants properties, to try and reduce people congregating below the complainants windows.

5. The DPS sent a further email on **Tuesday 1<sup>st</sup> August 2023** to inform of further threatening behaviour from the neighbours – including one of the residents pouring water over the heads of patrons standing near his window.
6. On **Thursday 31<sup>st</sup> October 2023** I received an email from Environmental Health and Community Safety's support team following a phone call from the first complainant - *He had a case open in July and was advised to contact police. Both first complainant and his neighbour 2<sup>nd</sup> complainant have contacted us after this weekend due to further problems experienced and a new case has been set up for noise.*

*1<sup>st</sup> complainant is experiencing noise and also abuse from owner of premises. The police have taken the side of the owner and served him with an antisocial behaviour order. He has film and photo evidence that he has gathered as requested by his housing association concerning the noise and abuse he has to put up with.*

*You spoke to him on 01 August and asked him to contact the police and when he tried is possibly when he was given his anti-social behaviour order. He is still willing to try and work with police but would also like the noise complaint and EH problems to be taken further by*

*environmental health. He would like to have someone from EH witness the filming he has made of the noise and abuse received.*

7. An email was sent on **Thursday 2<sup>nd</sup> November 2023** to the DPS to inform him of further complaints and that I would be investigating further.
8. On **Tuesday 8<sup>th</sup> November 2023** I visited the residents at Terracina Court as they wanted to show me videos of the noise problems from Quayside Distillery.

The first complainant lives in the first floor apartment with a balcony closest to Quayside Distillery, the living room overlooks the side alleyway towards the side of Quayside Distillery. The second complainant lives on the first floor overlooking the side alleyway towards the side of Quayside Distillery. The apartments are in very close proximity to Quayside Distillery.

I was shown a number of videos taken by the complainants. A lot of the videos showed loud noise from people congregating along the waters edge outside AS Watersports under the balconies of the apartments, from watching people exiting the side entrance of Quayside Distillery and walking towards that area, these are customers of the distillery using it as an outside drinking/smoking area. Videos also show a lot of people along the waters edge outside Quayside Distillery. I could see this was annoying and would cause unreasonable disturbance to the residents. (Further details of these video recordings are available, Ref AH01)

9. I made enquiries about planning permission for the use of the outside area along the outside area and was informed that there had been no changes to planning consent for when it was changed to a cookery school. There are some operating hours and conditions about not playing recorded or amplified music after 23.00, and no live music. It also mentions restrictions to other noise in the interest of near-by residents.
10. I informed the planning department by email on **Wednesday 9<sup>th</sup> November 2023** - They do advertise open mic events on the Quayside Distillery Facebook page, and I've seen a video recording of use of microphone clearly audible from the first complainants home next door (see Ref AH01). It seems the premises maybe poorly sound insulated to contain this noise. Also recordings taken at 23:45 and 23:56 on different days, also showing loud music and karaoke. (see Ref AH01).
11. On **Thursday 10<sup>th</sup> November 2023** I emailed the DPS to inform him about the video footage I was shown by the first complainant on Tuesday 8<sup>th</sup> November 2023, and that we would be carrying out further. I also advised that they contact the Planning Department about planning permission and sent him a copy of the current consent. (See Ref AH02)
12. The DPS sent an email on **Tuesday 14<sup>th</sup> November** stating that the complainants are looking for problems with his business when there aren't any, and they're haven't been enough complaints (6 complaints over 6 months). The main instigator has serious mental health problems, has been issued an anti-social behaviour order and what's this taken into account when deciding on the action to take.

He says the business is now only open as a private hire venue as there is absolutely zero business for anything else. This means that the majority of business operations are for celebrations of weddings, birthdays and other festivities. There are no events promoted or organised by the business.

13. MATRON recordings taken from the first complainant's living room on **Saturday 25<sup>th</sup> November**, a lot of noise from people around 22:00pm, sounds like they are congregating outside/coming and going from the venue. Can also hear lyrics to Mambo no.5 and Livin la vida loca and some people noise inside the venue. (see details of recordings Ref AH03)
14. While picking up the matron from the first complainants property on **Tuesday 28<sup>th</sup> November 2023**, I was shown a number of videos on the complainants phone of videos of patrons from Quayside Distillery taking glasses outside to under the balconies of Terracina Court. I took photos of these on my mobile phone and sent them to Licensing and the Police Licensing Officer.
15. On **4<sup>th</sup> December 2023** a Community Protection Warning was sent to the DPS stating the outside area must be properly supervised to prevent patrons causing a public nuisance or antisocial behaviour. Staff should be stopping patrons taking drinks outside and only allowing people to go outside for smoking and staff should be monitoring the outside areas and asking patrons to leave if they are congregating outside the premises or the covered area of AS Watersports causing disturbance. (see AH04)
16. On **Monday 15<sup>th</sup> January 2024 at 23.09** the second complainant emailed to say *I'm currently laid in bed with windows closed and can clearly hear the Quay distillery's music (Bon Jovi living on a prayer) not great as I'm supposed to be up at 5am and my son at 7am for school (building up for his GCSE's).*
17. On **Saturday 24<sup>th</sup> February 2024** the second complainant emailed *Music at the quayside distillery is so loud again I'm so sick of this. I have just sat and listened to Sean Paul and am now listening to ultra beat pretty green eyes and my windows are closed!* She sent 5 video recordings taken between 23.00 - 23.37. The recordings show the complainants window closed and muffled bass, she then opens the window which looks out at the main entrance to Quayside Distillery and loud dance music can be heard.
18. During a meeting with the DPS on **Thursday 7<sup>th</sup> March** with Principle EHO Simon Ruddy, he told us that his Distillery business was struggling, he would not be open every day but had private function bookings, he did not consider the music was too loud and would not be having live events, although we noted large speakers and mentioned the use of a microphone. He also still asked guests to use the entrance by the waterfront to try and avoid congregating by his neighbours windows, and would manage patrons unreasonable behaviour. But would not be changing what he is doing and feels he's being victimised and threatened by his neighbours
19. On **Friday 7<sup>th</sup> April 2024**, the second complainant emailed me to advise that *she went to bed at 10pm (as she had a 5am alarm) and have been woken up to the noise of people leaving the premises at Quay Distillery (Time was 12:37am – see attached video) Nothing for a few weeks and boom back again. This is only going to get more frequent as the summer draws closer.* People talking/shouting/screaming can be heard from the video recording.



George Nightingale  
Quayside Distillery  
60A Haven Road  
Exeter  
EX2 8DP

Civic Centre, Paris Street, Exeter, EX1 1JN  
[www.exeter.gov.uk](http://www.exeter.gov.uk)

**Please ask for:** Alice Hasted  
**Direct Dial:** 01392 265 760  
**Email:** [alice.hasted@exeter.gov.uk](mailto:alice.hasted@exeter.gov.uk)  
**Our ref:** 23/04278/COMNOI  
**Your ref:**  
**Date:** 4<sup>th</sup> December 2023

Dear George Nightingale

**Re: WRITTEN WARNING**  
**Anti-Social Behaviour, Crime and Policing Act 2014 (s.43)**  
**Community Protection Notices - Written Warning that a Notice will be issued unless the conduct set out below ceases to have a detrimental effect.**

Exeter City Council ('the Council') is working to reduce problems caused by anti-social behaviour within its area and following an investigation of complaints received, is now satisfied that your conduct, namely:

Noise from patrons in the outside area continues. Including loud voices, shouting, and swearing.

This is having unreasonable and a detrimental effect of a persistent or continuing nature on the quality of life of those in the locality. This written warning gives you an opportunity to resolve this without further enforcement action by the Council.

The outside area must be properly supervised to prevent patrons causing a public nuisance or antisocial behaviour.

Staff should be stopping patrons taking drinks outside and only allowing people to go outside for smoking.

Staff should be monitoring the outside areas and asking patrons to leave if they are congregating outside the premises or the covered area of AS Watersports talking loudly or causing disturbance.

**If you fail to comply with this request the Council may serve a Community Protection Notice on you.** Failure to comply with a Community Protection Notice is an offence under Section 48 of the Anti-Social Behaviour, Crime and Policing Act 2014. Offenders may be issued with a Fixed Penalty Notice of £100 or be prosecuted in Court, fined up to £2,500 (£20,000 in the case of an organisation or other body), ordered to undertake works and get a criminal record.

Please note that this does not preclude the Council taking any other action, under the Environmental Protection Act 1990 for example, or any other statutory power.

Should you wish to discuss this matter or if I can be of any further assistance then please contact me or Licensing on 01392 265430.

Yours Faithfully

A handwritten signature in cursive script, appearing to read 'Alice Hasted', written in a light grey or blue ink.

Alice Hasted  
Environmental Health Officer  
Environmental Health and Community Safety



## **Ref AH01**

### **Video recordings seen from the first complainants mobile phone:-**

The videos show loud noise from people congregating along the waters edge outside ASWatersports under the balconies of the apartments, from watching people exiting the side entrance of Quayside Distillery and walking towards that area, these are customers of the distillery using it as an outside drinking/smoking area. Videos also show a lot of people along the waters edge outside Quayside Distillery. There is also noise disturbance from inside the premises. I have included below the recordings I was shown:-

Saturday 10<sup>th</sup> June 2023 20:14 & 23:25– loud people noise outside

Sunday 11<sup>th</sup> June 2023 00:03 - crowd of noisy people outside

Thursday 22<sup>nd</sup> June 2023 at 23:45 - noise from someone on a microphone inside Quayside Distillery, you can clearly hear loud voices including someone saying something about “Charlene...” through the microphone. There is further noise at 01:14 from people inside the premises.

Saturday 22<sup>nd</sup> July 2023 19:46 – loud people noise

Saturday 26<sup>th</sup> August 2023 23:00 – loud people noise

Friday 8<sup>th</sup> September 2023 23:02 - people noise

Saturday 23<sup>rd</sup> September 2023 23:56 – video showed the side entrance to Quayside I could hear loud music and singing “oky coky” the side door was closed so it is assumed poor sound insulation or another window/door was open.

Sunday 29<sup>th</sup> October 2023 a number of video recordings taken between 19:53 and 22:48 – Noise from people

**Ref AH02**

**From:** Alice Hasted

**Sent:** Friday, November 10, 2023 4:59 PM

**To:** 'Info @ Quayside Distillery' <[info@quaysidedistillery.co.uk](mailto:info@quaysidedistillery.co.uk)>

**Subject:** RE: Alleged noise complaint - Quayside Distillery

Dear George,

Just to update you on investigating the complaints regarding alleged noise from Quayside Distillery.

The complaints are from 3 separate residents at Terracina Court.

I have been shown video footage taken by complainants on smartphones inside their homes, although this is not admissible evidence on its own, the noise and disturbance is intrusive and likely to constitute a statutory and public nuisance.

The videos show loud noise from people congregating along the waters edge outside ASWatersports under the balconies of the apartments, from watching people exiting the side entrance of Quayside Distillery and walking towards that area, these are customers of the distillery using it as an outside drinking/smoking area. Videos also show a lot of people along the waters edge outside Quayside Distillery. There is also noise disturbance from inside the premises. I have included below the recordings I was shown:-

10th June 20:14 & 23:25– loud people noise outside

11th June 00:03 - crowd of noisy people outside

On 22nd June at 23:45 - noise from someone on a microphone inside Quayside Distillery, you can clearly hear loud voices including someone saying something about “Charlene....” through the microphone. There is further noise at 01:14 from people inside the premises.

22nd July 19:46 – loud people noise

26th August 23:00 – loud people noise

8th September 23:02 - people noise

23rd September 23:56 – video showed the side entrance to Quayside I could hear loud music and singing “oky coky” the side door was closed so it is assumed poor sound insulation or another window/door was open.

29th October a number of video recordings taken between 19:53 and 22:48 – Noise from people

We will be looking to carry out further monitoring including installing remote recording equipment in the complainants property. This is effective evidence to establish whether it is a statutory nuisance that the council can take further action on.

I would also advise speaking to the Planning Department as you may require planning permission for live and amplified music (this was required in the decision made for 60 Haven Road – see attached) <https://exeter.gov.uk/planning-services/permissions-and-applications/contacts-planning/>

Please also ensure you are complying with your premises licence condition, which states:-

- The licence holder must ensure that staff regularly patrol the premises to supervise the orderly conduct of patrons.
- The licence holder, or persons authorised by them, must control the volume of recorded music taking place at the premises.

I would advise speaking to Licensing and Karen Davenport about the control of patrons from your premises so as not to cause a public nuisance.

I will contact you again when we have completed the noise monitoring.

If you would like to discuss further please do not hesitate to contact me.

Kind regards,

**Alice Hasted**  
Environmental Health Practitioner  
Environmental Health & Licensing  
Exeter City Council

01392 265760

Ref AH03

## MATRON ANALYSIS

	<b>DATE</b>	<b>TIME ON</b>	<b>TIME OFF</b>	<b>RECORDING COMMENTS</b>
1	24/11/2023	21:54	22:03	Faint sound of people talking barely audible
2	24/11/2023	22:03	22:08	Occasional sound of voices barely audible
3	25/11/2023	19:25	19:35	People noise audible, raised voices, shouting from what sounds like a number of people, volume increases near end of recording.
4	25/11/2023	19:28	19:38	Loud definable people noise, shouting, raised voices, laughing, can occasionally hear background jazz instrumental style music, but noise from people dominates for the duration of the recording.
5	25/11/2023	20:22	20:32	People noise, background jazz instrumental music
6	25/11/2023	20:32	20:35	Jazz music occasional low people noise
7	25/11/2023	21:18	21:28	Raised voices from a crowd of people dominates recording
8	25/11/2023	21:28	21:29	Hum of people talking occasional raised voices
9	25/11/2023	21:43	21:51	People noise definable at times, music, singing and shouting can be heard increasing in volume by end of recording.
10	25/11/2023	21:55	22:00	Can hear mambo no.5, 5 and Livin la vida loca and people noise inside the venue.