

AGENDA

Meeting: Western Area Licensing Sub Committee
Place: Committee Room A - Council Offices, Monkton Park, Chippenham
SN15 1ER
Date: Friday 25 January 2013
Time: **10.30 am**
Matter: Western Area Licensing Committee - Application for Review of a
Premises Licence; Trowbridge Cricket & Sports Club

Please direct any enquiries on this Agenda to Pam Denton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, BA14 8JN, direct line 01225 718371 or email pam.denton@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Desna Allen
Cllr Trevor Carbin

Cllr George Jeans

AGENDA

1 **Election of Chairman**

To elect a Chairman for the meeting of the Sub-Committee.

2 **Procedure for the Meeting** (*Pages 1 - 8*)

The Chairman will explain the attached procedure for the members of the public present.

3 **Chairman's Announcements**

The Chairman will give details of the exits to be used in the event of an emergency.

4 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

5 **Application for Review of a Premises Licence; Trowbridge Cricket & Sports Club, Lower Court, Trowbridge, Wiltshire BA14 8PX**

To consider and determine an application by Wiltshire Council Environmental Protection team for a Review of the Premises Licence in respect of Trowbridge Cricket & Sports Club, Lower Court, Trowbridge, Wiltshire BA14 8PX

5a **Officers Report** (*Pages 9 - 12*)

5b **Current Premises Licence** (*Pages 13 - 18*)

5c **Decision notice hearing held 6 January 2011** (*Pages 19 - 22*)

5d **Application for review Wiltshire Council Environmental Protection team** (*Pages 23 - 128*)

5e **Relevant Representations received** (*Pages 129 - 140*)

5f **Location Plan of the premises and surrounding area** (*Pages 141 - 142*)

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LICENSING COMMITTEE

PROCEDURAL RULES FOR THE HEARING OF LICENSING ACT 2003 APPLICATIONS

1 Purpose

- 1.1 These rules have been prepared to facilitate proper consideration of licence applications, made under the Licensing Act 2003, by the Licensing Committee and its Sub Committees.
- 1.2 The rules set out a framework for how applications are to be heard and explain the role of the participants at the Hearing.

2 Definitions

- 2.1 The following definitions describe the participants at and the subject matter of a Hearing:

“Applicant” means the person who has submitted an Application for consideration by the Committee.

“Applicant’s Premises” means premises subject to the Application.

“Applicant’s Representative” means a person attending a Hearing to assist or represent an Applicant including a lawyer.

“Application” means an application for the Grant/Variation/Transfer/Review and any other decision to be made by the Committee/Sub-Committee in respect of a Licence.

“Chairperson” means the Member who is the Chairperson of the Committee for the particular Hearing.

“Committee” means the Council’s Licensing Committee and includes any Sub Committee of the Licensing Committee.

“Committee Lawyer” means the Council’s Lawyer (including an external Lawyer instructed by the Council’s Legal & Democratic Services Manager) who is present at a Hearing to advise the Chairperson and the Members.

“Committee Manager” means the Council’s Officer who is present at a Hearing to take minutes.

“Committee Report” means the Licensing Officer’s written report to the Committee concerning an Application, a copy of which has been previously

made available to the Applicant or their Representative, a Responsible Authority or their Representative or an Interested Party or their Representative.

“Hearing” means a meeting of the Committee at which an Application is considered.

“Licence” means a Licence which the Committee has the power or duty inter alia to grant, transfer, suspend or revoke.

“Licensing Officer” means the Council’s Licensing Officer(s) who is/are present at a Hearing to present reports in respect of an Application and to give technical advice in respect of an Application to the Committee when requested.

“Licensing Authority” the Council in whose geographical area the subject matter of the Application relates to, and includes the Council’s Licensing Committee, any Sub Committee of the Licensing Committee and a Licensing Officer.

“Member” means a Member who is a Member of the Committee that is considering an Application.

“Responsible Authority” means a person who is present at a Hearing to make representations in respect of an Application in their capacity as Responsible Authority and includes any person who is present to assist or make representations on behalf of the Responsible Authority including a Lawyer.

“Interested Party” means a person who is present at a Hearing to make representations in respect of an Application in their capacity as an Interested Party, and includes any person who is present to assist or make representations on behalf of the Interested Party including a Lawyer.

3 Key Principles

- 3.1 The principles of ‘natural justice’, and Article 6 ‘Right to a Fair Trial’, which is one of the Convention Rights in the Human Rights Act 1998, require that there is a fair Hearing of Applications.
- 3.2 Natural justice is an umbrella term for the legal standards of basic fairness. This will include that:
 - 3.2.1 the Applicant has an opportunity to make representations before a decision is made;
 - 3.2.2 those making representations have an opportunity to voice their representations before a decision is made;

- 3.2.3 the Applicant has an adequate opportunity to consider and respond to any submissions made by a Responsible Authority/Authorities and/or an Interested Party/Parties;
- 3.2.4 the Committee does not exclude an Applicant from a Hearing in order to consider submissions from a Responsible Authority/Authorities and/or an Interested Party/Parties.
- 3.3 It is also fundamental that there is an orderly presentation of submissions at a Hearing so that the relevant issues are properly understood, evidence is tested and that oral statements made at the Hearing are accurately recorded.
- 3.4 Ultimately the Chairperson determines the application of these rules, having regard to any submissions being made by those present and in particular the Committee Lawyer.

4 The Hearing

- 4.1 The Hearing shall take place in public.
 - 4.1.1 The Committee may exclude the public from all or part of the Hearing where it considers it to be in the public interest to do so and, in accordance with the Local Government (Access to Information) Act 1985, as amended. Public includes a party and any person assisting or representing a party.
 - 4.1.2 The Committee may require any person attending the Hearing who, in its opinion, is behaving in a disruptive manner, to leave the Hearing and may:
 - a refuse to permit them to return;
 - b permit them to return only on such conditions as the Committee may specify;
 - c in the event that a person is required to leave a Hearing that person may, before the end of the Hearing, submit to the Committee in writing any information which they would have given orally.
- 4.2 Prior to the Hearing commencing, the Chairperson shall advise the parties of the procedure it proposes to follow at the Hearing.
- 4.3 Where a party has previously requested permission for a person(s), other than their representative, to appear at the Hearing then the Committee shall consider whether to permit that request.
- 4.4 The Committee will allow the parties an equal maximum period of time in which to exercise their rights.
- 4.5 This equal maximum time may have been notified in advance of the Hearing;
- 4.6 Where there is a multiple of Interested Parties who have attended the Hearing to make the same representation then the Committee would normally require

that a spokesperson be appointed by them to make the representations on behalf of all of those Interested Parties.

5 Presentation of Submissions

5.1 The Chairperson will introduce the Application.

5.2 In the event that the Licensing Authority has given notice to a party requiring clarification on a point(s) then that party shall respond to the points raised by the Licensing Authority.

5.3 Submissions shall be made in the following order unless the Chairperson directs otherwise:

5.3.1 The Licensing Officer will orally present the Committee Report and will in particular advise the Committee as to:

- a the options available to it;
- b the considerations that are relevant in reaching its decision.

5.3.2 The Review Applicant (or the Applicant's Representative) will orally present its submission which may include:

- a presenting their case in accordance with the papers, which will have been circulated with Agenda papers;
- b confirming key information and answer pertinent questions; and
- c calling witnesses in support of the Application (see paragraph 4.3).

A Responsible Authority/Authorities and/or an Interested Party/Parties will orally present their representations in turn which shall include:

- a the grounds of the representation to the Application; and
- b any condition(s) that the Responsible Authority/Authorities and/or an Interested Party/Parties would be happy to have the Application granted subject to which would cause the representation to be withdrawn.

The Premises Licence Holder and/or their representative will orally present their representations which shall include;

- a The response to the representations made by the Review Applicant, a Responsible Authority/Authorities and/or an Interested Party/Parties; and
- b Whether they would be happy to accept any modifications to the Licence as suggested by the Review Applicant, a Responsible Authority/Authorities and/or an Interested Party/Parties.

6 Questioning of Submissions

6.1 The Chairperson will regulate the order in which questions are asked by Members.

- 6.2 The Chairperson and Members, voiced through the Chairperson, may question any party following the completion of their submission.
- 6.3 The Chairperson will normally permit the Applicant, a Responsible Authority/Authorities or an Interested Party/Parties to ask questions through them of the other parties.
- 6.4 The Chairperson may direct that questions which are not relevant to the Application or one of the four Licensing Objectives are not formally put or answered.

7 Documentation

- 7.1 No party shall present new documentation to the Committee at the Hearing other than with the consent of all of the other parties. This does not preclude the Licensing Officer from correcting errors, providing updated information or an extract from a local map showing the Applicant's Premises in the context of the surrounding premises and any Interested Party's premises. If any party is granted permission to present supplementary papers at the Hearing they shall provide at least 10 copies at the start of their submission.

8 Intervention

The Chairperson shall permit the following interventions at any point in the Hearing:

- 8.1 The Committee Lawyer to advise the Committee on issues of law, procedure and relevant considerations on decision making. If necessary, the Chairperson may require the Committee, the Committee Lawyer and the Committee Manager to leave the Hearing so that advice can be given.
- 8.2 The Committee Manager to advise the Committee on procedure generally, or to request that statements made are repeated for reasons of clarity and so that they can be properly recorded.
- 8.3 The Licensing Officer to seek to clarify statements that have been made in light of information held on their file.

9 Failure of Parties to Attend Hearing

- 9.1 If a party has informed the Licensing Authority that it does not intend to attend or be represented at a Hearing, the Hearing may proceed in its absence.
- 9.2 If a party has not indicated that it does not intend to attend or be represented at a Hearing and fails to attend or be represented at the Hearing then the Licensing Authority may:
 - 9.2.1 where it considers it be necessary in the public interest, adjourn the Hearing to a specified date; or

9.2.2 hold the Hearing in the party's absence.

9.3 Where the Licensing Authority holds a Hearing in the absence of a party, it shall consider at the Hearing the application, representations or notice made by that party.

10 Closing Submissions

10.1 The Chairperson shall allow first, the Responsible Authority/Authorities and the Interested Party/Parties to make a closing oral submission(s) and secondly invite the Applicant or the Applicant's Representative an opportunity to make an oral closing submission in support of the Application.

11 Decision

11.1 The Committee, the Committee Lawyer and the Committee Manager, shall retire so that the decision may be considered in private, and to consider any legal issues raised by the Members.

11.2 The decision, and reasons for the decision, of the Committee shall be communicated orally by the Chairperson to the parties after the Committee has deliberated in private on the Application.

11.3 Written reasons shall be provided soon after the deliberations of the Application and in any event within the statutory time limits.

Review Hearing Procedure Summary

1. The Chairperson welcomes all those present and introduces the Application.
2. The Chairperson invites the Sub-Committee Members, Council Officers, the Review Applicant and/or their representative, any Responsible Authorities and/or Interested Parties and the Premises Licence Holder and/or their representative to introduce themselves.
3. The Chairperson outlines the Hearing Procedure.
4. The Licensing Officer presents the Committee Report and outlines the application.
5. The Review Applicant and/or their representative address the Sub-Committee to present their case.
6. Questions to the Review Applicant by Members of the Sub-Committee, any Responsible Authorities and/or Interested Parties and the Premises Licence Holder.
7. Responsible Authorities and/or Interested Parties who have made relevant representations address the Sub-Committee.
8. Questions to any of the Responsible Authorities and/or Interested Parties by Members of the Sub-Committee, the Review Applicant and the Premises Licence Holder.
9. The Premises Licence Holder and/or their representative address the Sub-Committee to present their case.
10. Questions to the Premises Licence Holder by Members of the Sub-Committee, any Responsible Authorities and/or Interested Parties and the Review Applicant.
11. Summing up by the Responsible Authorities and/or Interested Parties who have made relevant representations.
12. Summing up by the Premises Licence Holder.
13. Summing up by the Review Applicant.
14. The Sub-Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
15. Sub-Committee returns and the Lawyer gives a summary of any legal advice that may have been given to the Sub-Committee, and invites the parties present to make any comments on that advice.
16. The Chairperson either gives the decision with reasons, or advises that it will be released in writing with reasons within the statutory time limits.

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Wiltshire Council

Western Area Licensing Sub Committee

25 January 2013

Application for Review of a Premises Licence; Trowbridge Cricket & Sports Club, Lower Court, Trowbridge, Wiltshire BA14 8PX

1. Purpose of Report

- 1.1 To determine an application for a Review of a Premises Licence in respect of Trowbridge Cricket & sports Club, Lower Court Trowbridge, Wiltshire, made by Wiltshire Council Environmental Protection team.

2. Background Information

- 2.1 An application for the Review of a Premises Licence has been made by Wiltshire Council Environmental Health Team in relation to the licence held by Mr Brian Scrine & Mrs Christine Davies concerning Trowbridge Cricket & Sports Club. Following advertisement of the review application one relevant representation was received from an interested party and a representation was made by a Responsible Authority, Wiltshire Council Licensing Authority in support of the review applicant.
- 2.2 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the review application and any representations received. In accordance with Section 52 (3) of The Licensing Act 2003 the Licensing Sub Committee is required to take such steps as it considers appropriate for the promotion of the licensing objectives.
- 2.3 The licensing objectives are:
- i) The Prevention of Crime and Disorder;
 - ii) Public Safety;
 - iii) The Prevention of Public Nuisance; and
 - iv) The Protection of Children from Harm.
- 2.4 Such steps are:
- i) To modify the conditions of the licence.
 - ii) To exclude a licensable activity from the scope of the licence.
 - iii) To remove the designated premises supervisor.
 - iv) To suspend the licence for a period not exceeding three months.
 - v) To revoke the licence.
 - vi) To determine that no steps are necessary

- 2.5 The premise benefits from a current Premises Licence WW1000137LAPRE issued under the Licensing Act 2003 since 6 January 2011 and this is attached as **Appendix 1**.
- 2.6 A Club Premises Certificate was previously held by the club in 2010 this certificate did not allow the club to admit the general public, that was the reason for the present license holders applying for a full Premises License.
- 2.7 The current premises licence has conditions contained within in it that were imposed by a licensing hearing on the 6th January 2011 the decision notice is attached as **Appendix 2**.
- 2.8 These conditions relate to the Members concerns over the management of noise at the premises and they were deemed necessary to address those concerns.

3. Details of the Grounds for Review

- 3.1 The review of the licence has been requested on the grounds that the premises construction is unsuitable for the provision of entertainment in the form of live amplified music and that provision has been conducted in such a manner as to prejudice the licensing objective (the prevention of public nuisance). The grounds for review are:
- Due to the nature and age of the premises structure the Trowbridge Cricket Club is an unsuitable venue for the provision of live amplified music. The management of the club have been unable to demonstrate that regulated entertainment in the form of live amplified music can take place within the premises without it constituting a public nuisance thus the licensing objective is not currently being promoted.
- 3.2 The application for review is attached as **Appendix 3**

4. Consultation and Representations

- 4.1 The review process requires a public notice to be posted on the premises for a period of 28 days together with a copy of the notice posted at the offices of Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire. During the consultation period one representation was received from a Responsible Authority, Wiltshire Council Licensing Authority and one from an interested Party.

The supporting representations all concern the public nuisance licensing objective and are attached as Appendix 4

Throughout the consultation period contact has been maintained between both Wiltshire Council Environmental Protection Team and the license holders to try to examine the implications of the acoustic report

and discuss any available solutions. At the time of writing this report both parties have not been able to reach an agreed solution.

A location map and surrounding area is attached as **Appendix 5**

- 4.2 The Sub Committee can take into account documentary or other information presented at the hearing with the consent of all other parties.

5. Legal Implications

- 5.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.

6. Officer Recommendations

- 6.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

7. Right of Appeal

- 7.1 It should be noted that the Premises Licence Holder, the party that applied for the review and any Responsible Authority or Interested Parties who have made representations may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.
- 7.2 Any decision of the Licensing Sub Committee will not take effect for 21 days. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee does not take effect until any appeal is heard and finally determined.
- 7.3 The Premises Licence Holder and all Interested Parties have been informed of the date, time and location of the hearing and their right to attend and be represented.

Report Author: Mrs Kate Golledge

Public Protection Manager (Licensing) North and West,

Kate.golledge@wiltshire.gov.uk Tel: 01249 706687

Date of report 9th January 2012

Background Papers Used in the Preparation of this Report

- **The Licensing Act 2003**
- **The Licensing Act (Hearings) Regulations 2005**
- **Guidance issued under Section 182 of the Licensing Act 2003**
- **Wiltshire Council Licensing Policy**

Appendices

- 1 Current Premises Licence**
- 2 Decision notice hearing held 6th January 2011**
- 3 Application for review Wiltshire Council Environmental Protection team**
- 4 Relevant Representations received.**
- 5 Location Plan of the premises and surrounding area**



Licensing Act 2003 Premises Licence

Premises Licence number

WW1000137LAPRE

Wiltshire Council
Licensing Team West
165 Bradley Road
Trowbridge
BA14 0RD

Tel 0300 4560100

Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description

Trowbridge Cricket & Sports Club
Lower Court

Post town

Trowbridge

Post code

BA14 8PX

Telephone number

01225 752538

Licensable activities authorised by the licence

Sale of alcohol (on sales)
Live & recorded music (indoors)
Late night refreshment (indoors)
Plays (indoors)

Where the licence is time limited, the dates

This licence is valid from 6 January 2011

The times authorised by the licence for the carrying on of licensable activities

Supply of alcohol (on sales)

Monday to Thursday	11.00 - 23.00
Friday	19.00 - 01.00
Saturday	00.00 - 01.30
Sunday	11.00 - Midnight

Live Music (Indoors)

Monday to Thursday	20.00 - 23.30
Friday	20.00 - 01.30
Saturday	20.00 - 02.00

Recorded Music (Indoors)

Monday to Thursday	10.00 - 23.00
Friday	19.30 - 01.30
Saturday	19.30 - 02.00

Plays & anything of a similar description, provision of facilities for making music and dancing (Indoors)

Monday to Wednesday	19.30 - 23.00
Thursday to Sunday	19.30 - 23.30

Late night refreshments

Friday	23.00 - 01.00
Saturday	23.00 - 01.30
Sunday	23.00 - Midnight

Non Standard Timings:

From the end of permitted hours New Years Eve until the Start of permitted hours on New Years Day.

The opening hours of the premises

Monday – Thursday & Sunday	09.00 - 23.30
Friday	09.00 - 01.30
Saturday	09.00 – 02.00

Where the licence authorises the sale of alcohol whether these are on [and / or] off sales

On Sales of alcohol are permitted

Name, (registered) address, telephone no and email (if relevant) of holder of premises licence

Brian Scrine & Christine Davies
132 Wyke Road
Trowbridge
Wiltshire
BA14 7NT
Tel: 01225 350623

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale of alcohol

Christine Davies
[Any address has been removed for data protection reasons]

Personal licence number and issuing authority of personal licence held by the designated premises supervisor where the premises licence authorises the sale of alcohol

WW1000076LAPER granted by Wiltshire Council

Mandatory conditions

Alcohol

Where this Licence authorises the supply of alcohol:

1. No supply of alcohol may be made under this Licence:
 - a. At a time when there is no Designated Premises Supervisor in respect of it
 - b. At a time when the Designated Premises Supervisor does not hold a Personal Licence.
2. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a Personal Licence.

Irresponsible Promotions (On Sales Only)

3. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
3. (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

Dispensing Alcohol Directly into the Mouth (On Sales Only)

4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

Free Tap Water (On Sales Only)

5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Age Verification Policy

6. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

6. (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Drink Volume Measures (On Sales Only)

7. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Door Supervision

Individuals who are present to guard against a, b or c must be licensed by the Security Industry Authority:

- a. Unauthorised access or occupation (eg through door supervision)
- b. Outbreaks of disorder
- c. Damage

Conditions and restrictions from transferred licences

N/A

Conditions attached after a hearing by the licensing authority

- 1) That an additional CCTV camera is installed at the club premises oriented along Lower Court.
- 2) The conditions agreed to be added to the operating schedule, pursuant to the licensing objectives and namely:

- i. A noise limiting device shall be fitted on the first floor and all live music provided on this floor shall be played through this device. The noise limiter shall be connected to the mains supply and prior to any live music being provided, the limiter shall be set at a level agreed with officers from the Environmental Protection Department of Wiltshire Council. This level shall not be altered and once agreed, access to the limiter shall be restricted to senior members of staff only for resetting purposes;
- ii. The applicant shall submit a noise management plan. The plan shall include a suitable monitoring regime when live music is being provided on the first floor, including exact locations, frequency and documentary evidence that monitoring is being carried out. The plan shall be agreed by the Council's Environmental Protection Department in writing before any regulated entertainment takes place at the premises. Any minor alterations to the noise management plan shall be submitted to and agreed in writing, by the Council;
- iii. Live music on the first floor shall be limited to two events per calendar month; and
- iv. Live music on the first floor shall cease at 23.30 hours.

Conditions consistent with the operating schedule

1. A CCTV system with recording capability is installed to cover all floors of the premises used under the terms of the Licence and shall also cover all entrances, exits and external areas immediately around entrances. The images produced shall be of sufficient quality so as to enable identification. Images to be retained for a minimum of 30 days and be made readily available to any authorised Officer of the Council or Police Officer on duty.
2. For special events, including New Years Eve, SIA security staff will be employed at the premises.
3. Staff will be trained in the law and practice of the Licensing Act and other relevant legislation.
4. Proof of age will be required from any person seeking to purchase or consume alcohol who appears to be under the age of 25. This evidence shall be photographic, such as a passport or photographic driving licence. Touch 2ID is also installed and operates at the premises.
5. All staff hold a current CRB check
6. Staff are trained in first aid.
7. When licensable activities are taking place, the exterior of the premises are to be well illuminated during hours of darkness.
8. A nominated member of staff will monitor sound systems and attention will be paid to noise levels from, music, the car park and people entering and leaving the premises.

9. Recorded and up to date health & safety and fire safety risks assessments have been carried out for the premises.

Plans

The attached plans form part of this licence and are stamped with the licence number and the date it was granted

Signed

Licensing Officer
Wiltshire Council

This licence is valid from 6 January 2010

DECISION NOTICE

Western Area Licensing Sub-Committee

Meeting held 6th January 2011, in respect of Licensing Application: Trowbridge Cricket Club, The County Ground, Lower Court, Trowbridge

The Western Area Licensing Sub-Committee resolved to grant the licence applied for, as follows:

Sale of Alcohol	1100 to 2300 Monday to Thursday 0900 to 0100 Friday 0900 to 0130 Saturday 1100 to 2400 Sunday	On sales
Live Music	2000 to 2330 Sunday - Thursday 2000 to 0130 Friday 2000 to 0200 Saturday Special Events inc New years Eve (time not specified)	Indoors
Recorded Music	1000 to 2300 Sunday to Thursday 1930 to 0130 Friday 1930 to 0200 Saturday Special Occasions/events Inc New Years Eve (time not specified)	Indoors
Anything of a similar Description/Provision of facilities for making music & dancing	1930 to 2300 Monday to Wednesday 1930 to 2330 Thursday to Sunday	
Late Night Refreshment	2300 to 0100 Friday 2300 to 0130 Saturday 2300 to 2400	

Sunday

subject to the following conditions:

- 1) That an additional CCTV camera is installed at the club premises oriented along Lower Court.

Reason: In the interests of public safety and the prevention of crime and disorder.

- 2) The conditions agreed to be added to the operating schedule, pursuant to the licensing objectives and namely:

- i. A noise limiting device shall be fitted on the first floor and all live music provided on this floor shall be played through this device. The noise limited shall be connected to the mains supply and prior to any live music being provided, the limiter shall be set at a level agreed with officers from the Environmental Protection Department of Wiltshire Council. This level shall not be altered and once agreed, access to the limiter shall be restricted to senior members of staff only for resetting purposes;
- ii. The applicant shall submit a noise management plan. The plan shall include a suitable monitoring regime when live music is being provided on the first floor, including exact locations, frequency and documentary evidence that monitoring is being carried out. The plan shall be agreed by the Council's Environmental Protection Department in writing before any regulated entertainment takes place at the premises. Any minor alterations to the noise management plan shall be submitted to and agreed in writing, by the Council;
- iii. Live music on the first floor shall be limited to two events per calendar month; and
- iv. Live music on the first floor shall cease at 23.30 hours.

Reason: Management of noise emanating from the premises is necessary and proportionate to prevent public nuisance.

- 3) That the application section headed 'Anything of a similar Description/Provision of facilities for making music & dancing' be subject to the same hours and locations as those applied for in Section A of the application form.

Reason: For the avoidance of doubt.

- 4) In addition, Mandatory Conditions will be imposed in accordance with s.19 of the Licensing Act 2003.

Evidence

The Sub-Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the guidance issued under Section 182 of the Act and the licensing policy of Wiltshire Council.

The Sub-Committee have considered the written evidence presented in the agenda, together with the oral evidence given at the hearing from Mr B Scrine, Mr C Poplett, Miss C Davies, Mr M Aldam and the Wiltshire Council Environmental Health Officer.

Reasons

The Sub-Committee heard evidence from the applicant, who accepted there had been a problem with noise nuisance in the past. The Sub-Committee was satisfied they had taken internal steps to address such nuisance but are satisfied it is necessary and proportionate to promoting the licensing objective of preventing public nuisance that the aforementioned conditions are imposed. Additionally, the Sub-Committee was satisfied that the installation of a CCTV camera orientated along Lower Court is necessary and proportionate to achieving the licensing objectives of ensuring public safety and preventing crime and disorder. The Sub-Committee was satisfied that the licensing objectives would not be offended by the licensable activities being carried out at the times specified in the Operating Schedule, save that live music on the first floor is to cease at 23.30 hours. In particular, the Sub-Committee noted that there has been no objection by the police to the application.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of this decision. A Responsible Authority or interested party has the right to request the Local Authority to review the licence. Such an application may be made at any time, but it is in the discretion of the Local Authority to hold the review, and a review will not normally be held within the first twelve months of a licence, save for the most compelling reasons.

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**Application for Review of a Premises Licence; Trowbridge Cricket Club, The County
Ground Lower Court, Trowbridge, Wiltshire BA14 8PX**

Premises Licence Holders Mrs C Davies and Mr B Scrine

1. Background

- 1.1** My name is Graham Steady and I am the Public Protection Manager for the North and West Environmental Protection team. I qualified as an Environmental Health Officer in 1979 and have practiced continuously since then, apart from undertaking a non-related residential course in 1983/4. My additional qualifications include:

Diploma in Acoustics and Noise Control (Institute of Acoustics) (1986)
Post Grad Diploma in Environmental Acoustics (South Bank University) (2000)
Diploma in Management (Open University) (2006)

I have specialised in Environmental Protection since 1985 and have been employed by Wiltshire Council and a predecessor Authorities for the last seven years.

- 1.2** On the 22 December 2012 Richard Francis, Senior Environmental Health Officer served an application for a review on Christine Davies of Trowbridge Cricket Club. A representation has been made by the Environmental Protection Team as it is the opinion that the combination of the premises structure being unsuitable to hold live and recorded music events and the existing management are ineffective in managing the conditions effectively to promote the licensing objective of Prevention of Public Nuisance. I enclose a copy of this application as **Exhibit 1**.

2. The location and structure of the premise

- 2.1** Trowbridge Cricket Club was founded in 1847. The cricket pavilion was built on the current site in 1894 and is only the second to be built in its style and stature for that time, following that at Lords, the home of English Cricket. The Cricket club has been the County of Wiltshire ground since that time. I enclose photographs of the Cricket Pavilion and surrounding area **Exhibit 2**.
- 2.2** The building has been restored, with the external appearance and the internal first floor function room reflecting its original build in 1894. There have been additions to the building with brick extension to the rear holding a kitchen and other ground floor additions.
- 2.3** The club is surrounded by residential properties on Palmer Road, Seymour Road, Lower Court and Trowbridge hospital. The function room orientation has the stage facing in a North Easterly direction, towards the nearest residential properties on Palmer Road and Downhayes Road, I include a plan of this as **Exhibit 3**. I

enclose both a street map and a satellite image of the Cricket Club and surrounding area as **Exhibit 4 (a) and Exhibit 4 (b)**.

- 2.4** The first floor structure reflects the buildings origins and consists of a timber structure with infill plaster or mortar panels. There is no ceiling, but the tiled roof is underdrawn with timber planking. The windows are double-glazed. There is a large stage which faces North Easterly, bar and settees tables and chairs, has a capacity for approximately 120 people.
- 2.5** The nearest noise sensitive residential properties are at Lower Court which is within 50 meters of the club although the stage orientation directs the music noise towards Downhayes Road and Palmer Road with the next nearest noise sensitive property being approximately 75 meters away in Downhayes Road.
- 2.6** It should be noted that the Environmental Protection Team has consistently expressed doubt as to whether the structure is suitable for the provision of amplified music.

3. History of complaints and Abatement Notice

- 3.1** The Environmental Protection Team began investigating a noise complaint relating to amplified music being heard in Downhayes Road during February 2010. It was established that Trowbridge Cricket Club was in breach of their Club Premises Certificate in that they were openly advertising music events to members of the public who were not members of the cricket club. Following intervention from Wiltshire Council licensing team the Cricket club continued to hold events under the provision of Temporary Event Notices (TEN).
- 3.2** Following a noise investigation the council served a noise abatement notice on the cricket club on the 13th May 2010, which I include as **Exhibit 5**. A breach of the noise abatement notice was witnessed by authorised officers of the council on the 14th August 2010.
- 3.3** The cricket club appealed the requirements of the abatement notice however the appeal was subsequently withdrawn.
- 3.4** Music events continued to be held at the cricket club through the provision of TENS and breaches of the abatement notice continued through this period with officers witnessing breaches on both the 23 October 2010 and the 6 November 2010.
- 3.5** The council did not prosecute the cricket club for the continued breaches of the abatement notice but instead invited the Cricket club to apply for a Premises licence with the intention that the Environmental Protection team would request that appropriate conditions were applied to the licence to protect the licensing objective of prevention of public nuisance.

4. Granting of the licence January 2011

- 4.1** A premises licence application for Trowbridge Cricket Club, The County Ground, Lower Court , Trowbridge was received by the Council in November 2010, the applicants being Mr Brian Scrine and Miss Christine Davies. The application related to the extension of hours and the provision of regulated entertainment.
- 4.2** A representation was made by the Environmental Protection team for the Premise Licence application made by the Trowbridge Cricket Club on the 8th November 2010. The representation was made with regards to protecting the licensing objective of prevention of public nuisance.
- 4.3** Conditions were agreed with the Cricket Club on the 1st December 2010 prior to the hearing in January 2011. The licensing committee granted the licence on the 6th January 2011. I enclose a copy of the minutes of the licenising hearing and the a copy of the premise licence as granted as **Exhibit 6** and **Exhibit 7**. The following conditions were placed upon the licence to protect the licensing objective of public nuisance:
- (i) A noise limiter device shall be fitted on the first floor and all live music provided on this floor shall be played through this device. The noise limiter shall be connected to the mains supply and prior to any live music event being provided, the limiter shall be set at a level agreed with officers from the Environmental Protection Department of Wiltshire Council. This level shall not be altered and once agreed, access to the limiter shall be restricted to senior members of staff only for resetting purposes.
 - (ii) The applicant shall submit a noise management plan. The plan shall include a suitable monitoring regime when live music is being provided on the first floor, including exact locations, frequency and documentary evidence that monitoring is being carried out. The plan shall be agreed by the Council's Environmental Protection Department in writing before any regulated entertainment takes place at the premises. Any minor alterations to the noise management plan shall be submitted to and agreed in writing, by the Council.
 - (iii) Live music on the first floor shall be limited to two events per calendar month; and
 - (iv) Live music on the first floor shall cease at 23.30 hours

5.0 Grounds for Review

- 5.1** Following the grant of the licence in January 2011, the Cricket Club continued to hold live music events without a working noise limiter or agreed management plan. The noise management plan was agreed with the Council in April 2011 and the first limiter setting was not undertaken until 4 May 2011. This exercise was undertaken by four authorised officers of the council with Peter MCMILLAN (Senior Environmental Health Officer) and Helen PINCHEN (Environmental Health Officer) at the cricket club and Richard ROMERO (Environmental Health Officer) and Chris PORTAL (Public Protection Officer) at 23 Downhayes Road.

This exercise was undertaken by playing amplified recorded music at the club and two officers listening to different levels being played at the club and determining a suitable level inside the bedroom of 23 Downhayes Road. The limiter was set at a level where music was no longer intrusive at the complainant's house. I enclose a copy of the noise management plan as **Exhibit 8**.

- 5.2** The club were not happy at the levels set as they felt that the music was not loud enough to provide a suitable environment for the patrons and musicians and requested that the exercise be repeated with different officers. This exercise was repeated on 27 June 2011 with different officers at the complainant's house in Downhayes Road, Richard FRANCIS and Viki BROWN (Public Protection Officer) attended 23 Downhayes Road and Peter MCMILLAN (Senior Environmental Health Officer) and Helen PINCHEN (Environmental Health Officer) at the Cricket Club with Graham STEADY observing the exercise at both the house and the club, the levels on this occasion were set at identical levels that were set at the first exercise on 4 May 2011.
- 5.3** Following the second setting Peter MCMILLAN wrote to the cricket club 8 July 2011 and stated that the music levels inside the club were below a level that patrons would find live entertainment satisfying and below the levels that performers would be content to play in. It was reiterated to the club that the venue wasn't appropriate for live music and a recommendation was made to cease using it for this purpose. I enclose a copy of this letter as **Exhibit 9**.

6.0 Complaints

- 6.1** A complaint was received on Saturday the 5th May 2012 via the Out of Hours service and Susie VOWLES (Public Protection Officer) attended Downhayes Road and witnessed music that in her opinion was a breach of the noise abatement notice. The music could be heard in the street and inside the bedroom of the house with lyrics being clearly audible. Mrs S VOWLES statement can be found as **Exhibit 10**.
- 6.2** A letter was hand delivered to Christine DAVIES (Premises licence holder) on 17 May 2012, reminding them of the requirements of the noise abatement notice and the licence conditions and requesting a written response in reply to this incident. I enclose this letter as **Exhibit 11**.
- 6.3** A response was received from the cricket club detailing mitigating circumstances, i.e. an electrical fault within the club had resulted in the noise limiter becoming inactive. I enclose this letter from the Cricket Club as **Exhibit 12**
- 6.4** On the night of 14 July 2012, three officers, Annabel WILKINSON (Environmental Health Officer), Maggie JONES (Public Protection Officer -Licencing) and Jo Quarterly (Public Protection Officer -Licencing) attended Mr Aldam's house and did not witness the music at his house. They both then visited the Cricket Club unannounced and observed that the noise limiter was not being used for the live music that evening and considered that an offence was being committed. Mrs A WILKINSON interviewed Mrs Christine DAVIES (Designated Premises Supervisor), whilst under caution regarding two alleged breaches of condition; being
- 1) failure to use the noise limiter and

- 2) Failing to implement the Noise Management Plan in that the club were not able to produce the noise log book. I enclose Annabel WILKINSONS statement as **Exhibit13** and Maggie JONES statement as **Exhibit 14**.
- 6.5** On the evening of Saturday 27 July Maggie JONES and Jo QUARTELEY visited Downhayes Road and the Cricket club. No music was heard in Downhayes Road and following a visit to the club, they identified that the the noise limiter on this occasion was being used.
- 6.6.** On the evening of 25 August 2012 Richard FRANCIS and Linda HOLLAND (Senior Public Protection Officer - Licensing) attended Downhayes Road and listened from the complaintants bedroom, the music was heard at low levels and in the officers opinion was marginal and not a breach of the noise abatement notice. I enclose Richard FRANCIS and Linda HOLLAND statements as **Exhibit 15 and Exhibit 16**.
- 6.7** A meeting was held at the cricket club on the 31st August 2012, between Graham STEADY Richard FRANCIS and Mrs Christine DAVIES (Designated Premises Licence holder) where she expressed her concerns about the constraints the noise limiter was placing on the club and believed it was set too low, Mrs DAVIES was told to write formally to the council expressing her concerns and was reminded that the club should continue to use the limiter to prevent future licensing breaches.
- 6.8** On Saturday 1 September 2012, Linda HOLLAND and Susie VOWLES attended Downhayes Road and witnessed music that could be heard in the bedroom and could be heard in the street at Downhayes Road and in the main Road Islington B3106 (approximately 150 meters away) and in their opinion was both a breach of the noise abatement notice and was a public nuisance. Officers believed that these levels should not be experienced at these locations if the limiter was being used correctly. Both Linda HOLLAND and Susie VOWLES visited the cricket club and observed the red lights flashing on the limiter, however could not confirm if the electrical points on the stage were being used. However on questioning Mrs C DAVIES she confirmed it was being used, although no noise log sheets could be produced on request. I refer to Mrs Linda HOLLANDS statement as exhibit 16 and Mrs Susie VOWLES statement as exhibit 10 as introduced earlier.
- 6.9** Richard FRANCIS wrote to Christine DAVIES at Trowbridge Cricket Club on the 28th September 2012 making them aware of our intentions to call a review against the premises licence and also offering to undertake an acoustic assessment of the premises to identify the significant pathways for noise breakout and provide recommendations for sound insulation. I enclose a copy if this letter as **Exhibit 17**.
- 6.10** On both the 13th October 2012 and 10th of November 2012 Wiltshire Council placed noise equipment in the bedroom of the complainants house in Downhayes road and recordings were made of live music events that were intrusive inside the complainant's house in Downhayes Road. The recordings indicated that the music was both audible and intrusive in that the actual music tracks could be identified and the lyrics of the songs could be identified. It was the view of the Richard FRANCIS that these levels were both a breach of the noise abatement notice and were a public nuisance. I enclose a second statement Richard FRANCIS as **Exhibit 18 (this will include written interpretation of recordings)**. I also introduce a copy of a sample of the noise recordings undertaken on the both the 13th October and 10th November 2012 as **Exhibit 19**.

7.0 Decibel levels

7.1 There is an absence of any specific objective noise criteria; however the guideline values contained in the World Health Organisations "Guidelines for Community Noise 1999/ BS 8233 1999 is frequently used. These guidelines have been produced by a consensus of expert opinion and are values for the avoidance of particular effects e.g. annoyance and sleep disturbance.

7.2 The following decibel levels are not statutory guidance although are recognised by Acoustic consultants and Local Authorities as the industry standard that should be achieved for acceptable internal noise levels to avoid sleep disturbance.

Indoor Guideline values for bedrooms are 30 dB $L_{Aeq(8hr)}$ for continuous noise

And

45 dB L_{Amax} for single sound events.

7.3 It should be noted the guideline values above are used for "anonymous" noise e.g. free flowing road traffic. However it should be recognised that Music is more identifiable and can cause disturbance and nuisance at levels below these values as music, by definition, contains a significant amount of acoustic information and it is more than merely something outside the window. In addition "A" weighted noise levels have been shown to under represent the annoyance caused by low frequency noise i.e. the bass elements of live music. Decibel levels for the noise periods identified within the recordings played for the committee are demonstrated in **Exhibit 20**.

8.0 Noise Assessment

8.1 The Industrial Noise and Vibration Centre (INVC) were appointed by Wiltshire Council to carryout an assessment and best practicable means (BPM) audit of function noise from Trowbridge Cricket Club. The acoustic report is presented as **Exhibit 21**.

8.2 The acoustic report provided recommendations which could improve the sound insulation of the first floor function room.

8.3 The Environmental Protection Team has subsequently shared noise measurements and recordings taken in the bedroom of 23 Downhayes Road whilst a live band has performed at the club and presented them to the noise consultant. It was agreed that the music was very clear and much more than the results of the noise survey would suggest. With this in mind it may be that the initial assessment has overestimated the effectiveness of the roof or that another transmission path exists.

8.4 With this new information to hand it is recommended by the independent noise consultant that no insulation works are undertaken by the cricket club until an additional noise survey is completed.

8.5 A noise survey is required to be undertaken whilst a live band is playing in the first floor function room. An additional report containing revised recommendations will be required to be produced and all recommendations actioned. The council have

written to the Cricket Club to request agreement to this additional survey work however to date they have not responded. I include this letter as **Exhibit 22**.

9.0 Live Music Act 2012

9.1 The Environmental Protection Team would like to bring the implications of the Live Music Act 2012 to the Licensing Sub Committee and make an application to this committee for section (2) sub-section (3) of the Live Music Act 2012 to come into effect. I have included a copy of the Live Music Act as **Exhibit 23**. **In effect, the Act would exempt the club from the requirements of the Licensing Act as it applies to regulated entertainment for audiences of less than 200 and finishing by 23.00 hrs, unless this Committee disapplies the Act.**

9.2 It is recommended that the Live Music Act, 2012 be disapplied to these premises.

10.0 Summary

10.1 I am of the opinion that the premises are unsuitable for the provision of recorded and live music

10.2 Following the service of a noise abatement notice, a licensing hearing in which substantial conditions were attached to the licence, evidence from authorised officer observations and statements recording breaches of licence conditions and experienced noise levels, noise recordings and an acoustic assessment, I am further of the opinion that the prevention of public nuisance licence objective has not been adequately promoted by Christine DAVIES, Brian SCRINE (Licence Holders) and the committee of Trowbridge cricket club .

10.3 I would request that these provisions be removed from the licence and therefore recommend that the committee undertake the following actions:

Recommendations

- (i) The provisions of the Live Music Act 2012 be disapplied to this premises.
- (ii) That both live and recorded amplified music be removed from the premises licence.

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Richard Francis

22 November 2012

Mrs Christine Davies
132 Wyke Road
Hilperton
Wiltshire
BA14 7NT

Public Protection Services
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Our Ref: 12/01218/NOMUS/RF/lw17.11

Dear Mrs Davies

Licensing Act 2003
Review of premises licence- Prevention of public nuisance

Please find enclosed an application for the review of your premise licence.

A detailed report will follow prior to the committee hearing to allow you to respond accordingly.

The Noise consultant has provided a draft report with detailed recommendations to reduce the levels of music experienced off site; however to complete the report noise measurements are required to be undertaken during a live music event. Please can you contact me with your event schedule so I can organise this.

Once this is completed and hopefully prior to the hearing we will be in a position to share this with you.

Following service of this application, blue notices will be placed up and around the Cricket Club advertising the review process, these shall remain in place for 28 days commencing on the 23rd November 2012, where a public consultation shall take place. Following the completion of 28 days consultation the Licensing Authority shall organise a review hearing within 20 working days.

If you wish to discuss the licensing process, please contact Kate Golledge (Licensing Manager).

We hope that you will continue to cooperate with the Council and if you wish to meet to discuss this matter prior to the hearing, please do not hesitate to contact me.

Yours Sincerely

Richard Francis
Senior Environmental Health Officer

Public Protection Service
Monkton Park
Chippenham
Wiltshire
SN151ER

tel no 01249 706555

email: richard.francis@wiltshire.gov.uk

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I **Wiltshire Council**

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description County Hall Bythesea Road Trowbridge Wiltshire	
Post town Trowbridge	Post code (if known) BA148JN
Name of premises licence holder or club holding club premises certificate (if known) Christine Davies	
Number of premises licence or club premises certificate (if known) WW1000137LAPRE	

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Environmental Protection Council Offices Monkton Park Chippenham Wiltshire SN15 1ER
Telephone number (if any) 01249 706405
E-mail address (optional) richard.francis@wiltshire.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|--------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

Officers have been of the opinion following an extensive investigation that the Trowbridge Cricket Club first floor was an unsuitable venue for live music due to its age and structure. This was stated at the first meeting held between officers of the Council and an officer of the cricket club at the very first site meeting in May 2010.

Following the issuing of a premises licence for Trowbridge Cricket Club on the 6th January 2011 the Public Protection department of Wiltshire Council have received a complaint relating to the provision of regulated entertainment in the form of live music.

An investigation into the complaint has confirmed the existence of a public nuisance and subsequently it is the opinion of Environmental Protection Team that the prevention of public nuisance licensing objective is currently not being met.

Please provide as much information as possible to support the application
(please read guidance note 2)

A premises licence application for Trowbridge Cricket Club, The County Ground, Lower Court , Trowbridge was received by the Council in November 2010, the applicants being Mr Brian Scrine and Miss Christine Davies. The application related to the extension of hours and the provision of regulated entertainment.

The environmental protection team made a representation with regards to public nuisance concerns, prior to the licensing hearing the cricket club agreed to conditions to be placed upon the licence to manage music noise from the premises. The licensing committee granted the licence on the 6th January 2011 and placed the following conditions on the licence:

- A noise limiter device shall be fitted on the first floor and all live music provided on this floor shall be played through this device.
- The applicant shall submit a noise management plan.
- Live music on the first floor shall be limited to two events per calendar month;and
- Live music on the first floor shall cease at 23.30 hours

Following the grant of the licence, the Cricket Club held live music events without a working noise limiter or management plan. The noise management plan was not submitted until April 2011 and the first limiter setting was not undertaken until May 2011. This was set at a level where music was no longer intrusive at the complainant's house.

The club were not happy at the levels set and asked for the exercise to be repeated. This was once again undertaken in June 2011 and the levels that were set matched the first exercise in May 2011. The officer setting the limiter at the time wrote to the cricket club and stated that the music levels inside the club were below a level that patrons would find live entertainment satisfying and below the levels that performers would be content to play in. It was reiterated to the club that the venue wasn't appropriate for live music and a recommendation was made to cease using it for this purpose.

A compliant was received in May 2012 and an officer attended and witnessed a public nuisance both in the street and inside the bedroom of the complainant's house. The cricket club were written to making them aware of the requirements of their premises licence and warning them of the consequences of non compliance. The cricket club wrote to the Council on this occasion and stated in their mitigation that there was an electrical malfunction and the limiter failed to work.

On the 14th July 2012 officers attended the club and observed that the noise limiter was not being used and that an offence was being committed. Christine Scrine designated premises supervisor was interviewed under caution as an offence had been committed.

Throughout the summer complaints have been made to the Council concerning public nuisance.

Officers attended Downhayes Road on the 25th August 2012 and could hear music inside the bedroom of the complainants house, which constituted a public nuisance.

A meeting was held at the cricket club on the 31st August 2012, where Mrs ~~Scrine~~ raised her concerns about the constraints the noise limiter was placing on the club and believed it was set too low.

Officers attended Downhayes Road on the 1st September 2012, music could be heard inside the bedroom of the complainants house where tracks of songs could be identified, additionally music could be heard beyond Downhayes road and was deemed a public nuisance. Officers believed that these levels should not be experienced at these locations if the limiter was being used correctly.

Wiltshire Council wrote to Trowbridge Cricket Club on the 28th September 2012 making them aware of our intentions to call a review against the premises licence and also offering to undertake an acoustic assessment of the premises to identify the significant pathways for noise breakout and provide recommendations for sound insulation.

On the 13th October 2012 and 10th of November 2012 noise equipment was set up in the complaints house and recordings were made of live music events that were intrusive inside the complainant's house in Downhayes Road. The recordings indicated that the music was a public nuisance.

Following the service of legal notices, a licensing hearing with substantial conditions, breaches of licence conditions, officers evidence and recordings I am satisfied that the prevention of public nuisance licence objective has not been adequately promoted by the DPS and committee of the cricket club and therefore I have no other option than to request a review of the premises licence.

It is therefore our opinion that the premises are unsuitable for the provision of recorded and live music and as such I would request that these provisions be removed from the licence.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day

Month

Year

If you have made representations before relating to this premise please state what they were and when you made them

Representation was made for the original Premise License application made on the 8th November 2010. The representation was made with regards to the licensing objective of prevention of public nuisance.

Conditions were agreed on the 1st December 2010 prior to the hearing in January 2011.

- A noise limiter device shall be fitted on the first floor and all live music provided on this floor shall be played through this device.
- The applicant shall submit a noise management plan.
- Live music on the first floor shall be limited to two events per calendar month;and
- Live music on the first floor shall cease at 23.30 hours

Please tick yes

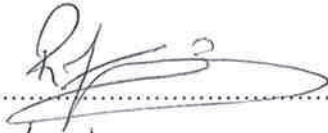
- f I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- f I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

22/11/2012

Capacity

Senior Environmental Health Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

AS EXHIBIT NUMBER: 2 SIGNED: _____

Richard Francis



Looking at the Cricket Club from Seymour Road.

Halfway down Downhayes Road facing Trowbridge Cricket Club



Outside bungalows in Islington





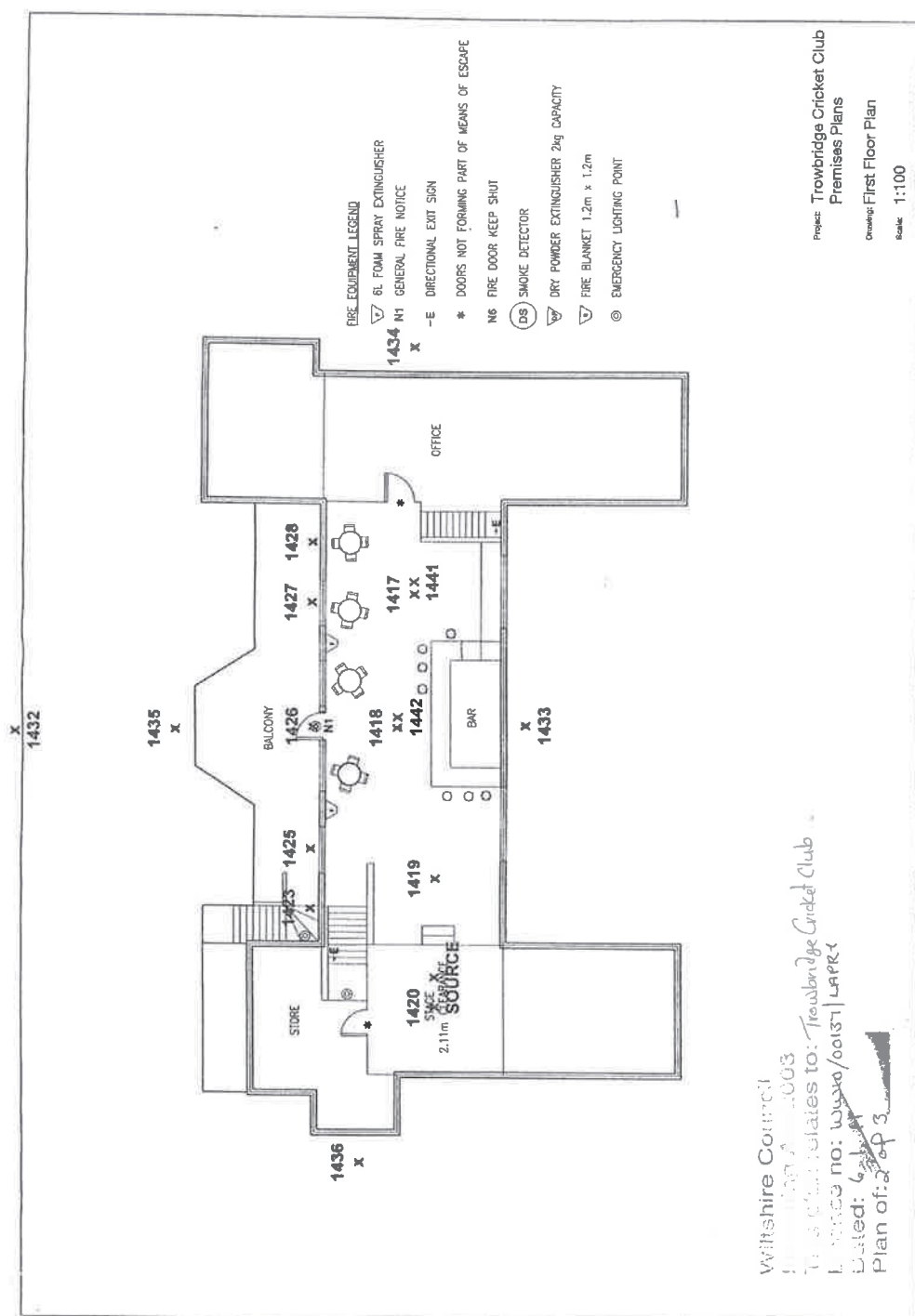
Mr Richard Francis
Wiltshire Council

AS EXHIBIT NUMBER: W SIGNED: _____

Richard Francis

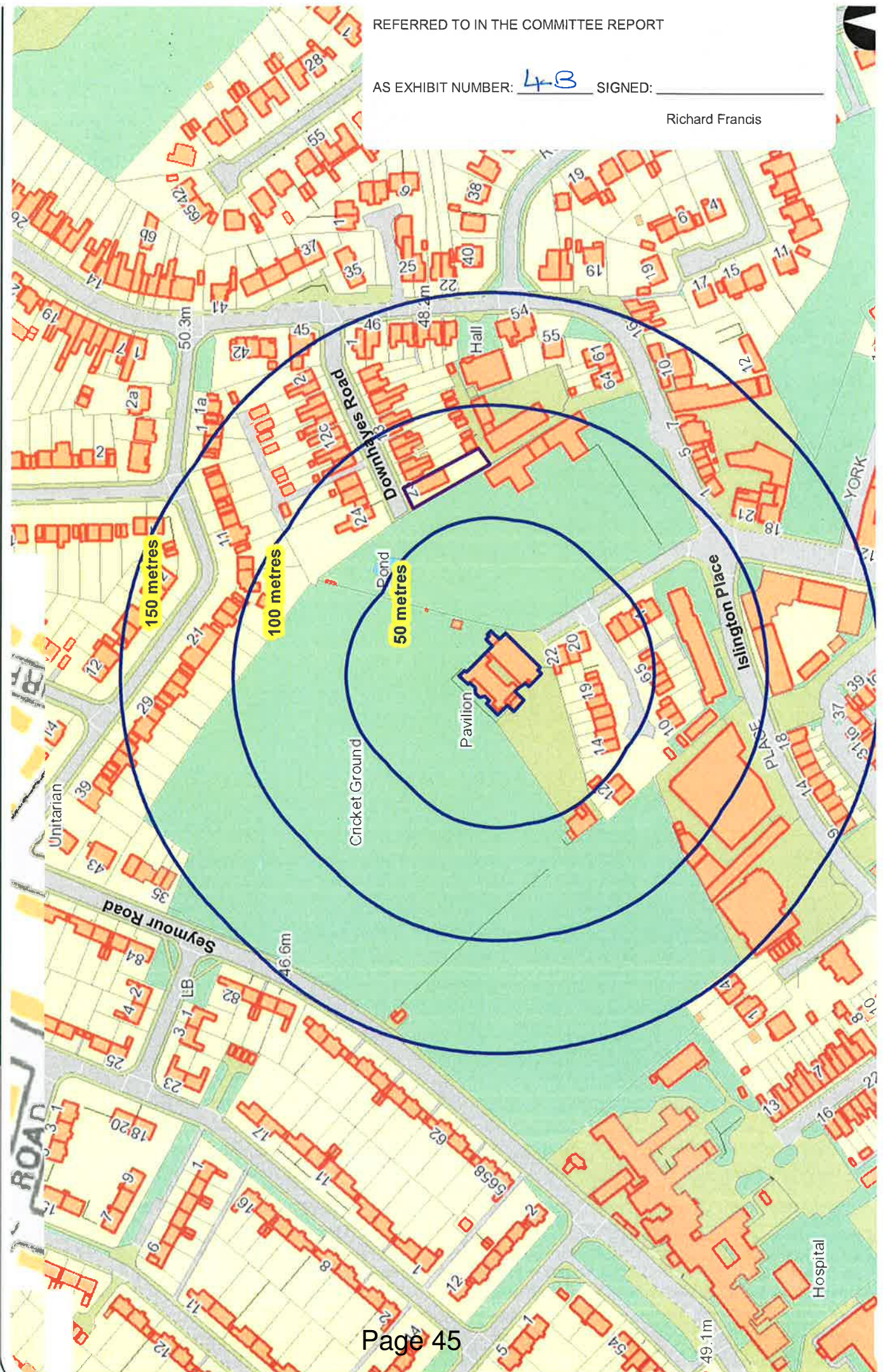
R7156:SW
Page 8

Figure 2 : Measurement Positions, First Floor



report





AS EXHIBIT NUMBER: 5 SIGNED: _____

13 May 2010

Richard Francis

PUBLIC PROTECTION SERVICES
165 Bradley Road
Trowbridge
Wiltshire
BA14 0RD

«name»
«name_2»
«add1»
«add2»
Trowbridge
Wiltshire
«postcode»

Our Ref: 10/00451//GNS/lw26.5
Your Ref:

Dear «sal»

Environmental Protection Act 1990
Licensing Act 2003
Noise Nuisance from Loud Music Trowbridge Cricket Club Lower Court Trowbridge

I refer to my letter dated 26 February 2010 regarding noise from live music and subsequent meetings with members of the Committee.

I regret to inform you that since this time I have collected evidence which substantiates that the noise from your premises amounts to a statutory noise nuisance. I have, therefore, enclosed a Notice served under the above Act which requires you to reduce the volume of noise from live music so that it cannot be heard at neighbouring premises. This takes effect immediately.

As explained recently if breaches of the notice are witnessed by officers from the Council then formal action will be considered. If legal action is pursued and you are found guilty of an offence you may be prosecuted and fined up to £20,000.

I would appreciate your co-operation in order to prevent further action from being necessary. If you have any questions please contact me using the above detail

Yours sincerely

Guy Sharp
Environmental Health Officer

tel no 01225 776655 ext 159

email: guy.sharp@wiltshire.gov.uk

name	name 2	add1	add2	postcode
Brian Scrine	Trowbridge Cricket Club	The County Ground	Lower Court	BA14 8PX
Brian Scrine		132 Wyke Road		BA14 7NT
Christine Davies	Trowbridge Cricket Club	The County Ground	Lower Court	BA14 8PX
Christine Davies		132 Wyke Road		BA14 8NT
Vanessa Heard	Trowbridge Cricket Club	The County Ground	Lower Court	BA14 8PX
Seb Duggan	Trowbridge Cricket Club	The County Ground	Lower Court	BA14 8PX

sal
Mr Scrine
Mr Scrine
Ms Davies
Ms Davies
Ms Heard
Mr Duggan

ENVIRONMENTAL PROTECTION ACT 1990, Section 80

Abatement Notice in respect of Statutory Nuisance

To: Seb Duggan
Trowbridge Cricket Club
The County Ground
Lower Court
Trowbridge BA14 8PX

TAKE NOTICE pursuant to Section 80(1) of the Environmental Protection Act 1990
WILTSHIRE COUNCIL being satisfied of the likely recurrence of a statutory nuisance under Section 79(1)(g) of that Act at

Premises in the vicinity of Trowbridge Cricket Club, The County Ground, Lower Court, Trowbridge within the district of Wiltshire Council arising from the playing of live music

HEREBY REQUIRE YOU as one of the persons responsible for the said nuisance forthwith from the service of this Notice, to abate the same and also

HEREBY PROHIBIT the recurrence of the same and for that purpose require you to cease playing live music at levels which cause a statutory nuisance at neighbouring premises.

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 noise to which this Notice relates is such that 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.

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 a fine not exceeding £5,000 together with a further fine of an amount equal to one-tenth of that level (£500) for each day on which the offence continues after conviction. In the cases of offences committed on industrial, trade or business premises you will be liable to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance pursuant to Section 81(5). Further, if you fail to execute all or any of the works in accordance with this Notice, the Council has power under Section 81(3) and (4) to execute the works and recover from you the necessary expenditure incurred.

DATED 13 May 2010

Signed
Environmental Health Officer

Address for all communications:-
Wiltshire Council
Bradley Road
TROWBRIDGE Wilts BA14 0RD

Posted by 1st Class Post to the
address shown
ON 13 May 2010 AT 15:00 hrs by ARJaw

NB The person served with this Notice may appeal against the Notice to a Magistrates' Court within twenty-one days beginning with the date of service of the Notice. See notes on the reverse of this form.

**Currently £5,000 subject to alteration by Order

10/00451/NOMUS/GNS/lw25.5

10/000 46 .

ENVIRONMENTAL PROTECTION ACT 1990, Section 80

Abatement Notice in respect of Statutory Nuisance

To: Vanessa Heard
Trowbridge Cricket Club
The County Ground
Lower Court
Trowbridge BA14 8PX

TAKE NOTICE pursuant to Section 80(1) of the Environmental Protection Act 1990
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DATED 13 May 2010

Signed
Environmental Health Officer

Address for all communications:-
Wiltshire Council
Bradley Road
TROWBRIDGE Wilts BA14 0RD

Posted by 1st class post to
WHICH WAS DELIVERED AT THE ADDRESS SHOWN

ON 13 May 2010 AT 1500 hrs BY R Waugh

NB The person served with this Notice may appeal against the Notice to a Magistrates' Court within twenty-one days beginning with the date of service of the Notice. See notes on the reverse of this form.

**Currently £5,000 subject to alteration by Order

10/00451/NOMUS/GNS/lw25.5

10/00045.

ENVIRONMENTAL PROTECTION ACT 1990, Section 80

Abatement Notice in respect of Statutory Nuisance

To: **Christine Davies**
132 Wyke Road
Trowbridge BA14 8NT

TAKE NOTICE pursuant to Section 80(1) of the Environmental Protection Act 1990
WILTSHIRE COUNCIL being satisfied of the likely recurrence of a statutory nuisance under Section 79(1)(g) of that Act at

Premises in the vicinity of Trowbridge Cricket Club, The County Ground, Lower Court, Trowbridge within the district of Wiltshire Council arising from the playing of live music

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DATED 13 May 2010

Signed
Environmental Health Officer

Address for all communications:-
Wiltshire Council
Bradley Road
TROWBRIDGE Wilts BA14 0RD

I CERTIFY THAT THIS IS A TRUE COPY OF THE NOTICE
FORWARDED BY 18:45 PAST TO
WHICH WAS SERVED BY HAND TO THE ADDRESS SHOWN

ON 13 May 2010 AT 1500 hrs BY *DR Waugh*

NB The person served with this Notice may appeal against the Notice to a Magistrates' Court within twenty-one days beginning with the date of service of the Notice. See notes on the reverse of this form.

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10/00451/NOMUS/GNS/lw25.5

10/00044

ENVIRONMENTAL PROTECTION ACT 1990, Section 80

Abatement Notice in respect of Statutory Nuisance

To: **Christine Davies
Trowbridge Cricket Club
The County Ground
Lower Court
Trowbridge BA14 8PX**

TAKE NOTICE pursuant to Section 80(1) of the Environmental Protection Act 1990
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DATED 13 May 2010

Signed
Environmental Health Officer

Address for all communications:-
Wiltshire Council
Bradley Road
TROWBRIDGE Wilts BA14 0RD

POSTED BY BR CLASS POST TO WHICH WAS SERVED BY HAND AT THE ADDRESS SHOWN
ON 13 May 2010 AT 1500 hrs E/A/RWang

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**Currently £5,000 subject to alteration by Order

10/00451/NOMUS/GNS/lw25.5

10/0043 .

ENVIRONMENTAL PROTECTION ACT 1990, Section 80

Abatement Notice in respect of Statutory Nuisance

To: **Brian Scrine**
132 Wyke Road
Trowbridge BA14 7NT

TAKE NOTICE pursuant to Section 80(1) of the Environmental Protection Act 1990
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DATED 13 May 2010

Signed
Environmental Health Officer

Address for all communications:-
Wiltshire Council
Bradley Road
TROWBRIDGE Wilts BA14 0RD

Posted by 1st class post to
01 13 May 2010 15:00hrs 01 a R Waugh

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**Currently £5,000 subject to alteration by Order

10/00451/NOMUS/GNS/lw25.5

10/00042.

ENVIRONMENTAL PROTECTION ACT 1990, Section 80

Abatement Notice in respect of Statutory Nuisance

To: **Brian Scrine**
Trowbridge Cricket Club
The County Ground
Lower Court
Trowbridge BA14 8PX

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DATED 13 May 2010

Signed
Environmental Health Officer

Address for all communications:-
Wiltshire Council
Bradley Road
TROWBRIDGE Wilts BA14 0RD

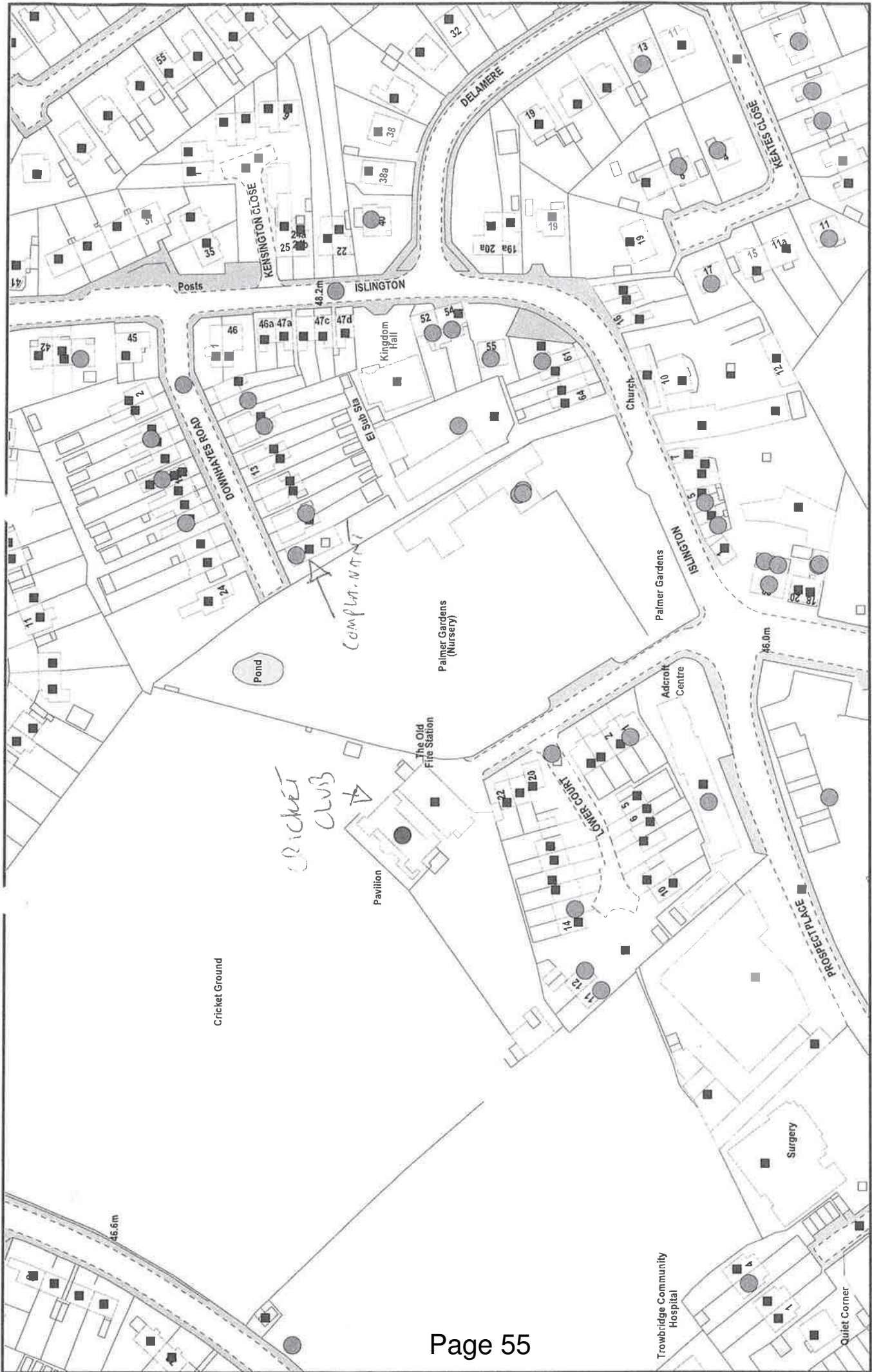
I CERTIFY THAT THIS IS A TRUE COPY OF THE NOTICE
was posted by 1st class post to
WHICH WAS SERVED BY HAND AT THE ADDRESS SHOWN
ON 13 May 2010 at 1500 hrs

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10/00451/NOMUS/GNS/lw25.5

10/0004



Date: 21/05/2010
 MSA: 100049050
 Scale: 1:1500

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WESTERN AREA LICENSING SUB-COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB-COMMITTEE MEETING HELD ON 6 JANUARY 2011 AT COMMITTEE ROOM III - COUNTY HALL, TROWBRIDGE IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE AT TROWBRIDGE CRICKET CLUB, THE COUNTY GROUND, LOWER COURT, TROWBRIDGE.

Present:

Cllr Desna Allen, Cllr Trevor Carbin and Cllr Mark Griffiths

Also Present:

11. Election of Chairman

Nominations for a Chairman of the Licensing Sub-Committee were sought and it was,

Resolved:

To elect Councillor Trevor Carbin as Chairman for this meeting only.

12. Procedure for the Meeting

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 1 – 6 of the Agenda refers).

13. Chairman's Announcements

The Chairman gave details of the exits to be used in the event of an emergency and drew attention to the following updates to the agenda:

- Amendment to the hours of live music applied for – Licensing Officer's report should read: "2000 to 0130 Friday" and "2000 to 0200 Saturday"
- Withdrawal of objection received from Mr and Mrs M Shroll, who had subsequently expressed support for the application

- Substitution of Wiltshire Council solicitor Paul Taylor for barrister Duncan Milne, owing to Mr Taylor's previous involvement in the appeal against a Noise Abatement Order issued against Trowbridge Cricket Club on 13th May 2010.

The Chairman announced that further material had been produced on the day by the applicant for consideration by the Sub-Committee. In line with procedure, the objector present was asked whether he consented to the submission of this material. The individual objected to the material being submitted and as such it was,

Resolved:

That the additional material be withdrawn and the meeting proceed with the evidence previously available.

14. **Declarations of Interest**

There were no interests declared.

15. **Licensing Application**

Application by Mr Brian Scrine and Miss Christine Davies for a Premises Licence at Trowbridge Cricket Club

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

In accordance with the procedure detailed in the agenda, the Applicant, the Responsible Authorities and the Interested Parties were given the opportunity to address the Sub-Committee.

Key points raised by Mr Colin Poplett of Trowbridge Cricket Club were:

- Clarification of the live music times applied for and anticipated frequency of their use;
- Acceptance by the Club of previous nuisance caused by events;
- Ongoing consultation with neighbours to resolve or mediate disturbance;
- Intentions to monitor and limit noise levels emanating from the clubhouse;
- No objections to application from police and no record of related antisocial behaviour;
- Unavoidable use of the cricket pitch for landing by the Air Ambulance Service;
- Parking problems caused by the vehicles of the probation service are not related to the club and are therefore beyond their control;
- The licence is required in order to ensure the financial viability of the club, as it receives no grant or external funding; and

- The club has an excellent record in child protection and inclusivity, demonstrating a commitment to the community.

Key points raised by the Interested Party, Mr Martin Aldam, were:

- Objection to the hours proposed as per the application form, should the applicant elect to exercise these in full;
- Encouraged by the applicants' intention to utilise all permitted hours rarely, but would suggest that this would warrant more limited hours;
- Concern over the potential for increased disturbance and antisocial behaviour associated with the club and its operating hours;
- Effect of hosting live music events on the first, rather than ground, floor and extent of noise travel and disturbance associated;
- The existing Noise Abatement Order previously served to the club;
- Encouraged by proposal for noise limiter but suggests that this should be a condition of recorded, as well as live, music;
- Suggestion that identical conditions should be imposed for the limits to alcohol sales and recorded and live music noise on both the ground and first floors.

Key points raised by the Wiltshire Council Environmental Health Officer, were:

- Explanation of the function and mechanism of the noise limiting device and its potential application at the club;
- Reasoning for different licensing conditions for each floor at the club, resultant of where the cause of problems and complaints are considered to be;
- Proposed conditions on the use of a noise limiter and responsibilities of the senior staff in controlling disturbance caused by the club.

The parties were given the opportunity to ask questions of the Applicant, Responsible Authority, Interested Parties and Licensing Officers. A debate ensued in which the Sub Committee discussed:

- The potential impacts on the surrounding properties should the licence be granted;
- The conditions proposed by the applicants, interested party and Environmental Health Officer;
- The club's record in dealing with problems arising from hosting licensable activities; and
- The nature and principle of the licence as applied for.

The Sub-Committee members sought clarification on some points before retiring to consider the application and were accompanied by the appointed barrister and the Democratic Services Officer.

The Sub-Committee then retired to consider the application at 11.00am

The Hearing reconvened at 11.50am

Following the deliberations of the Sub-Committee Members, the appointed barrister made a statement of material legal advice given in closed session as follows:

- That the Sub-Committee had to be satisfied that any conditions were necessary and proportionate to achieving the licensing objectives;
- That certain mandatory conditions had to be imposed; and
- That the Sub-Committee had to give sufficient reasons for their decision to ensure natural justice for both parties.

The Sub-Committee considered all of the submissions made to it and the written representations together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council

Resolved:

That the Application for a Premises Licence at Trowbridge Cricket Club be granted as detailed below

Sale of Alcohol	1100 to 2300 Monday to Thursday 0900 to 0100 Friday 0900 to 0130 Saturday 1100 to 2400 Sunday	On sales
Live Music	2000 to 2330 Sunday - Thursday 2000 to 0130 Friday 2000 to 0200 Saturday Special Events inc New years Eve (time not specified)	Indoors
Recorded Music	1000 to 2300 Sunday to Thursday 1930 to 0130 Friday 1930 to 0200 Saturday Special Occasions/events Inc New Years Eve (time not specified)	Indoors

Anything of a similar Description/Provision of facilities for making music & dancing	1930 to 2300 Monday to Wednesday 1930 to 2330 Thursday to Sunday
Late Night Refreshment	2300 to 0100 Friday 2300 to 0130 Saturday 2300 to 2400 Sunday

And subject to the following conditions:

- 1) That an additional CCTV camera is installed at the club premises oriented along Lower Court.

Reason: In the interests of public safety and the prevention of crime and disorder.

- 2) The conditions agreed to be added to the operating schedule, pursuant to the licensing objectives and namely:
 - i. A noise limiting device shall be fitted on the first floor and all live music provided on this floor shall be played through this device. The noise limiter shall be connected to the mains supply and prior to any live music being provided, the limiter shall be set at a level agreed with officers from the Environmental Protection Department of Wiltshire Council. This level shall not be altered and once agreed, access to the limiter shall be restricted to senior members of staff only for resetting purposes;
 - ii. The applicant shall submit a noise management plan. The plan shall include a suitable monitoring regime when live music is being provided on the first floor, including exact locations, frequency and documentary evidence that monitoring is being carried out. The plan shall be agreed by the Council's Environmental Protection Department in writing before any regulated entertainment takes place at the premises. Any minor alterations to the noise management plan shall be submitted to and agreed in writing, by the Council;
 - iii. Live music on the first floor shall be limited to two events per calendar month; and
 - iv. Live music on the first floor shall cease at 23.30 hours.

Reason: Management of noise emanating from the premises is necessary and proportionate to prevent public nuisance.

- 3) That the application section headed 'Anything of a similar Description/Provision of facilities for making music & dancing' be subject to the same hours and locations as those applied for in Section A of the application form.

Reason: For the avoidance of doubt.

- 4) In addition, Mandatory Conditions will be imposed in accordance with s.19 of the Licensing Act 2003.

Reasons:

The Sub-Committee heard evidence from the applicant, who accepted there had been a problem with noise nuisance in the past. The Sub-Committee was satisfied they had taken internal steps to address such nuisance but are satisfied it is necessary and proportionate to promoting the licensing objective of preventing public nuisance that the aforementioned conditions are imposed. Additionally, the Sub-Committee was satisfied that the installation of a CCTV camera orientated along Lower Court is necessary and proportionate to achieving the licensing objectives of ensuring public safety and preventing crime and disorder. The Sub-Committee was satisfied that the licensing objectives would not be offended by the licensable activities being carried out at the times specified in the Operating Schedule, save that live music on the first floor is to cease at 23.30 hours. In particular, the Sub-Committee noted that there has been no objection by the police to the application.

(Duration of meeting: 10.00 - 11.55 am)

The Officer who has produced these minutes is Chris Marsh, of Democratic & Members' Services, direct line 01225 713 597058, e-mail chris.marsh@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

Licensing Act 2003 Premises Licence


 Where everybody matters

Premises Licence number

WW1000137LAPRE

 Wiltshire Council
 Licensing Team West
 165 Bradley Road
 Trowbridge
 BA14 0RD

Tel: 0300 4560100

Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description

Trowbridge Cricket & Sports Club
Lower Court

Post town

Trowbridge

Post code

BA14 8PX

Telephone number

01225 752538

Licensable activities authorised by the licence

 Sale of alcohol (on sales)
 Live & recorded music (indoors)
 Late night refreshment (indoors)
 Plays (indoors)

Where the licence is time limited, the dates

This licence is valid from 6 January 2011

The times authorised by the licence for the carrying on of licensable activities

Supply of alcohol (on sales)

Monday to Thursday	11.00 - 23.00
Friday	19.00 - 01.00
Saturday	00.00 - 01.30
Sunday	11.00 - Midnight

Live Music (Indoors)

Sunday to Thursday	20.00 - 23.30
Friday	20.00 - 01.30
Saturday	20.00 - 02.00

Recorded Music (Indoors)

Sunday to Thursday	10.00 - 23.00
Friday	19.30 - 01.30
Saturday	19.30 - 02.00

Plays & anything of a similar description or provision of facilities for making music and dancing (Indoors)

Monday to Wednesday	19.30 - 23.00
Thursday to Sunday	19.30 - 23.30

Late night refreshments

Friday	23.00 - 01.00
Saturday	23.00 - 01.30
Sunday	23.00 - Midnight

Non Standard Timings:

From the end of permitted hours New Years Eve until the Start of permitted hours on New Years Day.

The opening hours of the premises

Monday – Thursday & Sunday	09.00 - 23.30
Friday	09.00 - 01.30
Saturday	09.00 – 02.00

Where the licence authorises the sale of alcohol whether these are on [and / or] off sales

On Sales of alcohol are permitted

Name, (registered) address, telephone no and email (if relevant) of holder of premises licence

Brian Scrine & Christine Davies
 132 Wyke Road
 Trowbridge
 Wiltshire
 BA14 7NT
 Tel: 01225 350623

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale of alcohol

Christine Davies
 [Any address has been removed for data protection reasons]

Personal licence number and issuing authority of personal licence held by the designated premises supervisor where the premises licence authorises the sale of alcohol

WW1000076LAPER granted by Wiltshire Council

Mandatory conditions**Alcohol**

Where this Licence authorises the supply of alcohol:

1. No supply of alcohol may be made under this Licence:
 - a. At a time when there is no Designated Premises Supervisor in respect of it
 - b. At a time when the Designated Premises Supervisor does not hold a Personal Licence.
2. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a Personal Licence.

Irresponsible Promotions (On Sales Only)

3. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
3. (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

Dispensing Alcohol Directly into the Mouth (On Sales Only)

4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

Free Tap Water (On Sales Only)

5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Age Verification Policy

6. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

6. (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Drink Volume Measures (On Sales Only)

7. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Door Supervision

Individuals who are present to guard against a, b or c must be licensed by the Security Industry Authority:

a. Unauthorised access or occupation (eg through door supervision)

b. Outbreaks of disorder

c. Damage

Conditions and restrictions from transferred licences

N/A

Conditions attached after a hearing by the licensing authority
--

- 1) That an additional CCTV camera is installed at the club premises oriented along Lower Court.
- 2) The conditions agreed to be added to the operating schedule, pursuant to the licensing objectives and namely:

- i. A noise limiting device shall be fitted on the first floor and all live music provided on this floor shall be played through this device. The noise limiter shall be connected to the mains supply and prior to any live music being provided, the limiter shall be set at a level agreed with officers from the Environmental Protection Department of Wiltshire Council. This level shall not be altered and once agreed, access to the limiter shall be restricted to senior members of staff only for resetting purposes;
- ii. The applicant shall submit a noise management plan. The plan shall include a suitable monitoring regime when live music is being provided on the first floor, including exact locations, frequency and documentary evidence that monitoring is being carried out. The plan shall be agreed by the Council's Environmental Protection Department in writing before any regulated entertainment takes place at the premises. Any minor alterations to the noise management plan shall be submitted to and agreed in writing, by the Council;
- iii. Live music on the first floor shall be limited to two events per calendar month; and
- iv. Live music on the first floor shall cease at 23.30 hours.

Conditions consistent with the operating schedule

1. A CCTV system with recording capability is installed to cover all floors of the premises used under the terms of the Licence and shall also cover all entrances, exits and external areas immediately around entrances. The images produced shall be of sufficient quality so as to enable identification. Images to be retained for a minimum of 30 days and be made readily available to any authorised Officer of the Council or Police Officer on duty.
2. For special events, including New Years Eve, SIA security staff will be employed at the premises.
3. Staff will be trained in the law and practice of the Licensing Act and other relevant legislation.
4. Proof of age will be required from any person seeking to purchase or consume alcohol who appears to be under the age of 25. This evidence shall be photographic, such as a passport or photographic driving licence. Touch 2ID is also installed and operates at the premises.
5. All staff hold a current CRB check
6. Staff are trained in first aid.
7. When licensable activities are taking place, the exterior of the premises are to be well illuminated during hours of darkness.
8. A nominated member of staff will monitor sound systems and attention will be paid to noise levels from, music, the car park and people entering and leaving the premises.

9. Recorded and up to date health & safety and fire safety risks assessments have been carried out for the premises.

Plans

The attached plans form part of this licence and are stamped with the licence number and the date it was granted

Signed

Licensing Officer
Wiltshire Council

This licence is valid from 6 January 2010

Wiltshire Council
Licensing Team West
165 Bradley Road
Trowbridge
BA14 0RD

Tel 0300 4560100

Licensing Act 2003 Premises Licence Summary

Premises licence number

WW1000137LAPRE

Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description

Trowbridge Cricket & Sports Club
Lower Court

Post town

Trowbridge

Post code

BA14 8PX

Telephone number

01225 752538

Licensable activities authorised by the licence

Sale of alcohol (on sales)
Live & recorded music (indoors)
Late night refreshment (indoors)
Plays (indoors)

Where the licence is time limited, the dates

This licence is valid from 6 January 2011

The times authorised by the licence for the carrying on of licensable activities

Supply of alcohol (on sales)

Monday to Thursday	11.00 - 23.00
Friday	09.00 - 01.00
Saturday	09.00 - 01.30
Sunday	11.00 - Midnight

Live Music (Indoors)

Sunday to Thursday	20.00 - 23.30
Friday	20.00 - 01.30
Saturday	20.00 - 02.00

Recorded Music (Indoors)

Sunday to Thursday	10.00 - 23.00
Friday	19.30 - 01.30
Saturday	19.30 - 02.00

Plays & anything of a similar description/provision of facilities for making music and dancing (Indoors)

Monday to Wednesday	19.30 - 23.00
Thursday to Sunday	19.30 - 23.30

Late night refreshments

Friday	23.00 - 01.00
Saturday	23.00 - 01.30
Sunday	23.00 - Midnight

Non Standard Timings:

From the end of permitted hours New Years Eve until the Start of permitted hours on New Years Day

Premises Licence number

WW1000137LAPRE

The opening hours of the premises

Monday – Thursday & Sunday
Friday
Saturday

09.00 - 23.30
09.00 - 01.30
09.00 – 02.00

Where the licence authorises the sale of alcohol whether these are on [and / or] off sales

On Sales of alcohol are permitted

Name, [registered] address of holder of premises licence

Brian Scrine & Christine Davies
132 Wyke Road
Trowbridge
Wiltshire
BA14 7NT
Tel: 01225 350623

Registered number of holder, e.g. company number, charity number [where applicable]

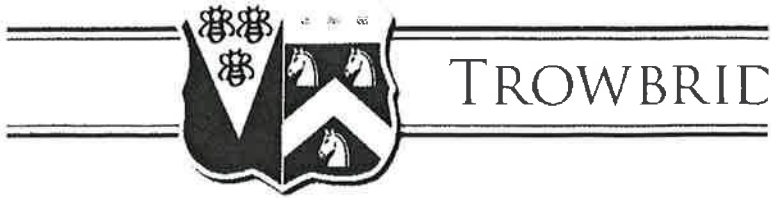
N/A

Name of designated premises supervisor, where the premises licence authorises for the sale of alcohol

Christine Davies

State whether access to the premises by children is restricted

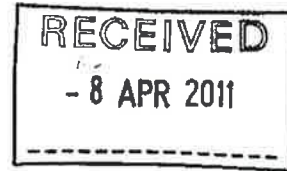
The restrictions contained within the Licensing Act 2003 apply.



AS EXHIBIT NUMBER: 8 SIGNED: _____

Richard Francis

Wiltshire Council
Public Protection
165, Bradley Road
Trowbridge
Wiltshire
BA14 ORD
6th April 2011



Mr Graham Steady/ Environmental Team Protection Manager (North & West).

Dear Mr Steady,

Thank you for your letter of the 1st April, and our telephone conversation of Monday 5th April.

I now enclose a copy of the amended 'Sound Management Plan' as agreed, Mrs Jones have also been sent a copy for her files.

I look forward to meeting you and your colleagues on a date to be agreed to record and adjust if necessary the clubs sound monitoring equipment.

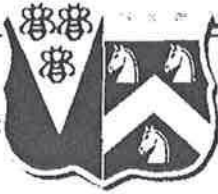
Hopefully we will then be able to finally put this matter to bed.

Yours sincerely,


Colin G Poplett
Vice President.

Enclosures: Amended 'Sound Management Plan' Trowbridge Cricket Club.

Circulation as previous.



TROWBRIDGE CRICKET CLUB

To Whom It May Concern.

The following is the 'Sound Management Plan' as submitted to Wiltshire Council on 6th April 2011 in its amended form. Following letter of 1st April 2011 from Mr Graham Steady, and subsequent telephone conversation between Mr Steady and Mr Colin Poplett of Trowbridge Cricket Club on Monday 5th April 2011.

Sound Monitoring Management Plan and Procedures.

Trowbridge Cricket Club
Lower Court
Trowbridge. BA14 8PX

The aim of the plan is to mitigate any possible public discord or nuisance caused by the period playing of 'Live' Band music on the 2 (Two) Saturdays per month when same is played at the first floor level of the said cricket club premises.

NOTE:

It should be noted that, sound is present 24 hours a day and any person will experience specific levels throughout the day in any location. The minimum outdoor level of sound experienced on a quiet still air day, without wind-birds noise-traffic noise etc is approximately 45/47db.

Sound Monitoring. Part (A) – With Sound Monitoring hand held equipment.

- i. This will be carried out by a responsible member of the cricket club as nominated and appointed be them to monitor sound before and during each live performance at specific points, both inside and outside the building.
- ii. The nominated individual will monitor the sound levels with an approved hand held devise similar to the ones used by Wiltshire.
- iii. The sound levels taken will be notated in a book set up especially for this purpose, and will be available for inspection at any reasonable time by duly authorised council officials.
- iv. Windows and doors to be closed on first floor whilst live music being played.
- v. Each location to be monitored will have a number and physically described location to avoid any doubt the numbered locations are:
 1. Clubhouse prior to start (Time to be shown)
 2. Clubhouse during performance.((Time to be shown)
 3. Centre of Car Park during performance.
 4. Outside clubhouse (East Side) during performance.
 5. Club boundary East Side close to complainant's property or more usually OUTSIDE complainants home in Downhayes Road. (Time to be shown)
 6. Junction of Lower Court/Timbrelle Street, Band playing.

Trowbridge Cricket Club- Sound Management and monitoring Plan amended April 2011.

PLEASE NOTE with the exception of I (One) above all is with the band playing. Times are also to be noted. A copy of the above information to be put into the Club Diary. The person completing the sound survey and document set will identify themselves in the 'Sound Monitoring Book'.

Sound monitoring. Part 'B' Sound Monitoring Control – fixed Equipment.

1. G990 Black Noise Pollution Control System.
2. Remote indicator traffic light noise limiter system.
3. **Bank of new power points, wired into microphone monitor.**

- (1) Above consists of a fixed unit specifically designed to monitor sound it has a preset factory limit of between 94.5 to 97.5db. This is the agreed figure for local authority and MOD use. It is capable of being adjusted if needs be, and Trowbridge Cricket Club had now the means to do this. The unit is already installed and fully functional, and has been for some weeks now.
- (2) To the side of the above is a traffic light indicator system, which cuts the Band noise off when the red light displays for 10 seconds, it kicks back in a further 10 seconds later.
- (3) A newly installed bank of plug points wired INTO the sound monitor system, and through which the band obtains power.

How it all works.

The system is turned on to 'active', the band plugs its equipment into the designated sockets and commences playing. The 'Traffic lights' commence at green and work through yellow to red, these lights are in clear view of the band. A continuous RED light for 10 seconds activates the cut out switch in the Black box monitor system. The amplified band sound is stopped, and cuts back in after further 10 seconds.

Additional.

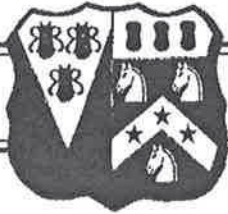
1. The club has invested in new heavy duty lines curtain for all windows, these will remain closed on the South side on all occasions when the band is playing, the remaining curtains will be also closed during winter months. (see below). The full length door curtain will remain closed on ALL occasions.
2. The balcony door has to remain active for fire and health and safety reasons, and to comply with insurance requirements. Although active, persons will be discouraged from using the door whilst the band is playing.
3. A complete review of our active camera system has been undertaken, and will result in a completely new system being installed later this year, however in the meantime we have agreed to install 2 (two) cameras , one of which will monitor the view down Lower Court towards Timbrelle Street. The cost of these two is over £2,500

Trowbridge Cricket Club- Sound Management and monitoring Plan amended April 2011.

Submitted by:

Colin G Poplett for and on behalf of Trowbridge Cricket Club

6th April 2011



TROWBRIDGE CRICKET CLUB

Wiltshire Council
Public Protection
165, Bradley Road
Trowbridge
Wiltshire
BA14 ORD
6th April 2011

Dear Mrs Jones,

Thank you for your letter of the 22nd March, Mr Poplett spoke with Graham Steady on Monday 5th April.

They have agreed to arrange a meeting in the near future to assess sound levels, Mr Poplett also agreed to modify the 'Sound Management Plan', to include the closure of doors and windows whilst 'Live' music is playing on the first floor.

The attached includes that modification, would you please amend yours files accordingly.

Yours Sincerely,

Brian Scrine.
Chairman.

Enclosures. Amended copy of 'Sound Management Plan', Trowbridge Cricket Club.

Circulation as previous.

AS EXHIBIT NUMBER: 9 SIGNED: _____

Richard Francis

8 July 2011

Mr Brian Scrine
Trowbridge Cricket Club
The County Ground
Lower Court
Trowbridge
Wiltshire
BA14 8PX

**Public Protection Services
Wiltshire Council
PO Box 2281
Salisbury
SP2 2HX**

Your ref:

Our ref: PFM/07072011a

Dear Mr Scrine,

Re: Noise limiter at Trowbridge Cricket Club

I write to you to confirm the results of our recent visits to Trowbridge Cricket Club with respect to music noise levels and the setting of the noise limiter within the Cricket Club Pavilion.

My first visit was on the evening of 4 May 2011 with three colleagues when we met with Mr Colin Poplett. Two of my colleagues went to the complainants property to assess the level of noise inside their property and myself and a colleague remained in the Cricket Club with Mr Poplett while a variety of music was played at different music noise levels. During that visit the music noise level inside the Cricket Club was reduced to a level which was acceptable within the complainants property and the noise limiter was set to that level.

My second visit was on the evening of 27 June 2011 with four colleagues. Again two of my colleagues went to the complainants property to assess the level of noise inside their property and myself and a colleague remained within the Cricket Club with Mr Poplett while my colleague Mr Steady floated between locations. With the help of your DJ music was played at the "limit" level previously set during our visit on 4 May 2011. Initially a number of tracks were played which, although slightly audible, were at an acceptable level inside the complainants property. After several tracks I was advised that the music noise had become more distinct inside the complainants property and my colleagues could identify the track being played. The music noise level was then increased marginally and the music noise became more audible and distinct within the complainants bedroom. The increased music noise level resulted in an unacceptable level of noise inside the complainants property. As discussed during our visit on the 27th of June our conclusion is that the current setting of the noise limiter, as set on 4 May 2011, is the appropriate limit level. The noise limiter should therefore be maintained at the settings made on 4 May 2011.

It was clear from our visit that the level of music noise breakout is dependent on the characteristics of the track being played. If you intend to continue to be host to amplified entertainment on the first floor of the Cricket Club then, in addition to the use of the noise limiter, you should avoid playing music with significant low frequency content and/or impulsive characteristics.

During our two visits it was apparent that the appropriate music noise level inside the Cricket Club was below the level at which visitors to or patrons of the cricket club would find live entertainment satisfying and below the level at which bands or artists would be content to play. I understand from our most recent visit that this has also been the experience of the Cricket Club since the noise limiter was set on 4 May 2011. In our opinion therefore the first floor of the cricket club pavilion, due to its structure and inherent acoustic properties, is not an appropriate venue for amplified live entertainment and we recommend that you cease using it for this purpose.

During our visit on the evening of the 27th of June it was explained to us that the Cricket Club had taken some advice from an acoustic consultant who had proposed some works to insulate part of the cricket clubs interior. From the information provided during our discussion we would recommend that a more thorough investigation and noise survey is required before appropriate works can be specified. We would recommend that this investigation considers each building element to determine their relative contribution to music noise breakout. In terms of achieving effective noise insulation this is vital so that the weaker elements of the building structure can be identified and targeted. Without doing so the Cricket Club will risk incurring the costs of undertaking works which may not have any significant effect on the level of music noise being received at the complainants property. Mr Steady advised Mr Poplett that he was willing to speak directly to the acoustic consultant from whom advice has been taken. We would also add that in the event that the building structure is modified to increase its ability to contain noise it is almost inevitable that this will also increase its thermal insulation and you should consider the need for an appropriate acoustically insulated ventilation system to maintain appropriate internal temperatures.

With respect to the use of the noise limiter I would add a number of things. As discussed during our visits there are a number of plug sockets immediately adjacent to the plug socket controlled by the noise limiter. You should ensure that anyone providing amplified entertainment on the first floor of the cricket club uses the correct power supply controlled by the noise limiter. In addition care should be taken to ensure that access to the limiter control box is restricted and that the settings of the noise limiter are not adjusted from those settings made on 4 May 2011. We would also recommend that you ensure all windows and doors serving the first floor function room are kept closed while amplified entertainment is taking place.

I would remind you that the Statutory Nuisance Abatement Notice is still in force and you should ensure that it is complied with. Failure to comply with the requirements of a Statutory Nuisance Abatement notice is an offence under the Environmental Protection Act 1990.

If you have any questions or wish to discuss this matter further please contact Mr Graham Steady.

Yours sincerely,

Peter McMillan
Senior Environmental Health Officer

Direct line: 01722 434338

Fax: 01722 438064

Email: publicprotectionsouth@wiltshire.gov.uk

Web : www.wiltshire.gov.uk

8 July 2011

Mrs Christine Davies
Trowbridge Cricket Club
The County Ground
Lower Court
Trowbridge
Wiltshire
BA14 8PX

**Public Protection Services
Wiltshire Council
PO Box 2281
Salisbury
SP2 2HX**

Your ref:
Our ref: PFM/07072011b

Dear Mrs Davies,

Re: Noise limiter at Trowbridge Cricket Club

I write to you to confirm the results of our recent visits to Trowbridge Cricket Club with respect to music noise levels and the setting of the noise limiter within the Cricket Club Pavilion.

My first visit was on the evening of 4 May 2011 with three colleagues when we met with Mr Colin Poplett. Two of my colleagues went to the complainants property to assess the level of noise inside their property and myself and a colleague remained in the Cricket Club with Mr Poplett while a variety of music was played at different music noise levels. During that visit the music noise level inside the Cricket Club was reduced to a level which was acceptable within the complainants property and the noise limiter was set to that level.

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If you have any questions or wish to discuss this matter further please contact Mr Graham Steady.

Yours sincerely,

Peter McMillan
Senior Environmental Health Officer

Direct line: 01722 434338

Fax: 01722 438064

Email: publicprotectionsouth@wiltshire.gov.uk

Web : www.wiltshire.gov.uk

Witness Signed AS EXHIBIT NUMBER: 10 SIGNED: _____

Richard Francis

(CRIMINAL PROCEDURE RULES, PART 21)

Statement of Witness

(Criminal Procedure Rules, r27.1(1)):

Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF: SUSIE VOWLES

Age of witness: over 18

Occupation of witness: Public Protection Officer

This statement (consisting of 5 pages each 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 20 November 2012

Signature.....

- 1. My name is Susie Vowles and I am a Public Protection Officer within the Public Protection Team. I have been working for Wiltshire Council for 11 years and 2 months and as a Public Protection Officer (PPO) for 10 months.
2. On 10 March 2012 myself and my colleague Richard Francis carried out late night monitoring in Trowbridge. We parked in the grounds of Trowbridge Cricket Club at approximately 2215. Music from the Cricket Club was barely audible. We then visited Mr Aldam at 23 Downhayes


Signature [Signature] dated 20/11/12

Road and again could barely hear the music. On this occasion no noise nuisance from Trowbridge Cricket Club was witnessed.

3. On 5 May 2012 I visited Mr Aldam, 23 Downhayes Road, Trowbridge in response to an out of hours call of loud music coming from Trowbridge Cricket Club. I arrived at Mr Aldams property at approximately 2220. Myself and Mr Aldam stood in his bedroom with the bedroom windows closed. Music was clearly audible. Lyrics of songs could clearly be heard including 'brown sugar, you make me feel so good', 'girl, you really got me going, you got me so I can't sleep at night'. I could clearly hear lyrics of songs being played, guitar and drum noise'. The next song lyrics included 'I can't get enough of your love, I can't get enough of your love'. The next song played was Dire Straits 'Money for Nothing', lyrics clearly audible. The next song was Midnight Hour. Lyrics were clearly audible from all songs played. I left the property at 2255, the music was still ongoing. I stood outside of the property until 2310 and the music continued. In my opinion the level of noise witnessed was a statutory nuisance.

4. On 1 September 2012 myself and my colleague Linda Holland, Senior Licensing Officer carried out a late night monitoring visit to Trowbridge Cricket Club. The weather conditions were clear and calm with a slight breeze. We arrived at Downhayes Road at 2140. Music was not audible at the entrance to Downhayes Road. We walked up the road slightly and stood outside of number 5. Music was audible but lyrics muffled. We could clearly hear drum and guitar sound. At 2142 the next song played

Signature



dated

20/11/12

was slightly louder but we were unable to determine lyrics. At this time we did not continue towards the top of Downhayes Road as we did not want to draw attention to ourselves so we returned to the main road. Music was now clearly audible across the main road outside of the bungalows in Islington approximately 150 metres away. At 2154 we walked up Downhayes Road on the opposite side, music was audible and getting louder on approach to 23 Downhayes Road. We stood outside of No 23 and could clearly hear music and lyrics. The lyrics were 'on my radio, on my radio'. Next song lyrics included 'message to you Rudy', 'stop your messing around, time to think of your future'. We heard 'whhooooooo' from the crowd but were unable to determine any more lyrics as loud but muffled. A guitar solo was heard. At 2210 we walked to the end of Downhayes Road and stood at the bottom. No noise or music was audible at this time. At 2233 we parked outside of the Cricket Club, the music had restarted. Voices from patrons outside were clearly audible over the music. The music was a reggae style drum beat. Voices from singing were muffled. The beat of the song was strong and consistent. At 2244 we parked at Seymour Road, approximately 150 metres away from source of noise. Music was clearly audible but muffled. Laughing from patrons outside was clearly heard. At 2255 we parked outside of no 9 Downhayes Road with the car window open. Lyrics heard were 'no no no, you don't love me'. At 2302 we stood outside of no 23 Downhayes Road. Music, drum and lyrics were audible, lyrics heard were 'steer it up little darling

Signature _____

) _____ dated _____

20/11/12

steer it up'. After the song we heard the band saying 'thank you very much'.

5. At 2310 we entered Trowbridge Cricket Club. On entering we could see lights on the noise limiter flashing. A long red light during the encore which was drumming at the end of the song. The club was busy with a large number of patrons and a live band. Linda Holland spoke to Christine Davis. Christine said the limiter was in use and that monitoring sheets will be available Wednesday. They were not available at the time of our visit. Christine asked what the noise levels were like this evening. I replied they were loud and audible. We left at 2320 and at 2325 we parked outside of Dowhayes Road, no music was audible. At 2330 we parked at Seymour Road for the second time, no music was audible. We could clearly hear voices but not raised, just what sounds like normal conversation. In my opinion the noise levels witnessed were both a breach of the noise abatement notice and was a public nuisance and were at the same level as I witnessed during my previous visit on 5 May 2012.

Signature _____

dated _____

20/11/12

17 May 2012

Richard Francis

Brian Scrine & Christine Davies
132 Wyke Road
Trowbridge
Wiltshire
BA14 7NT

PUBLIC PROTECTION SERVICES
165 Bradley Road
Trowbridge
Wiltshire
BA14 0RD

Our Ref: 10/00451/NOMUS/RF/lw24.5

Dear Mr Scrine & Ms Davies

Trowbridge Cricket club
Licensing Act 2003
Environmental Protection Act 1990
Live music event 5 May 2012
Breach of premise licence and breach of noise abatement notice

I refer to a music event that was held at the cricket club on the evening of Saturday 5th May 2012.

An officer from Wiltshire Council was called out to a noise complaint relating to live music from your premise. The officer attended and witnessed loud music between 10.30 and 11.10 p.m. and described the music as being clearly audible within the bedroom with the windows closed. The music was so loud and clear that the officer was able to identify the track and the artist that the band was covering throughout their visit.

I must take this opportunity to remind you that the Council has served a Noise abatement notice upon the committee members of the club on the 13 May 2010. In the opinion of the officer, a nuisance was being caused which is a clear breach of the abatement notice.

In addition, having been involved in setting the limits of your noise limiter, I am fully aware of the level of music that should be experienced in Downhayes Road and it is clear from my colleague's observations that the limiter on this occasion was not being used by the live band.

I have attended previous live music events since May 2011 that you have held and the music has been hardly audible on Downhayes Road. I believe that this demonstrates that the club can comply with the licence conditions and manage music events effectively without causing a nuisance to your neighbours.

However on this evening this clearly was not the case and I would welcome a response from the committee detailing why the limiter was not being used? In addition I request that you forward to me a copy of the documentary evidence detailing the noise monitoring that was carried out over the evening of the 5th May 2012 and a list of future live music dates?

.....continued overleaf

I must take this opportunity to remind you that the following conditions were added to your premises licence at the licensing hearing, these conditions was placed upon your licence in order to control live music and thus preventing it from becoming a public nuisance.

The following licence conditions were added to your licence in order to limit the impact live music has beyond your premise.

- (i) A noise limiting device shall be fitted on the first floor and all live music provided on this floor shall be played through this device. The noise limiter shall be connected to the mains supply and prior to any live music being provided, the limiter shall be set at a level agreed with officers from the Environmental Protection Department of Wiltshire Council. This level shall not be altered and once agreed, access to the limiter shall be restricted to senior members of staff only for resetting purposes.
- (ii) The applicant shall submit a noise management plan. The plan shall include a suitable monitoring regime when live music is being provided on the first floor, including exact locations, frequency and documentary evidence that monitoring is being carried out. The plan shall be agreed by the Council's Environmental Protection Department in writing before any regulated entertainment takes place at the premises. Any minor alterations to the noise management plan shall be submitted to and agreed in writing, by the Council;
- (iii) Live music on the first floor shall be limited to two events per calendar month; and
- (iv) Live music on the first floor shall cease at 23.30 hours.

I must remind you that the Cricket club is required to comply with the licence conditions at all times and that any future breaches of your licence and the noise abatement notice may result in a prosecution and a review of the premise licence.

I look forward to your reply and future compliance.

Yours sincerely

Richard Francis
Senior Environmental Health Officer

tel no 01225 776655 ext 15293

email: richard.francis@wiltshire.gov.uk



TROWBRIDGE

AS EXHIBIT NUMBER: 12 SIGNED: _____

Richard Francis

RF

Wiltshire Council
Public Protection Services
165, Bradley Road
Trowbridge
Wiltshire
Wiltshire
BA14 ORD

28 May 2012

23rd May 2012

Attention of Richard Francis
Senior Environmental Health Officer.

Dear Mr Francis,
Re- your letter of the 17th May 2012.

I have asked Mr Poplett whom you have met to reply on my behalf, he does so as follows

The evening's entertainment live/band was 'Legacy'.

The equipment used to monitor this externally, and internally on that evening was the agreed portable monitor as used by yourselves, and calibrated with Mr Graham Steady, whom we understand is no longer with you.

The readings were normal on all locations. There was however a light breeze blowing towards the complainants (Mr Aldham's) house.

The evening started with the equipment being used, as you would have observed, it cut out apparently almost immediately, with an intermittent malfunction.

You will be aware from previous conversations, we have had an almost total re-build of the car park side of the club house, three new changing rooms and showers, new ladies and gents toilet facilities, new disabled access and toilet facilities, an external access ramp etc, and on the other end of the building a new first team changing, and a new kitchen.

As well as upgrading the existing electrical and plumbing services it has been of necessary to install a completely new switch board for the increased electricity supply/electrical services, new protections systems and controls have also been added. New plumbing some with electrical control/monitors has also been installed.

What occurred on the night of the 5th May was an overload caused by a power surge in the system; this caused certain area's to malfunction. The power surge was beyond our control, but was not however dangerous in any way.

Wiltshire Council.
Public Protection Services.
23rd May 2012

We later found that the alarm system, could not be re-set for the night and power was lost in certain areas, this included the monitor and some auxiliary lighting circuits (changing rooms) which were non-operable.

The problem has been traced on the following Monday and eradicated it should not happen again. As with any new build of this magnitude problems can occur during the period immediately after commissioning, as was the case in this instance.

All area's are of course RCD protected thus shutting down equipment or services independently of each other in this instance effecting the club operation as detailed above.

Had you have visited the club and made us aware of your presence you would have seen for yourself the situation we were faced with.

I notice the officer attended between the hours of 10.30pm and 11.10pm and witnessed loud music, it does read as though the music was 'LOUD' during the whole of that time, when that cannot have been the case, as there was a substantial band break in the music to allow for the final set which finished ahead of time as he also would have observed.

Having regard to the forward programme, we do not have as such a forward programme, they are usually are only an event away, which means 2 to 4 weeks, for booking and printing etc. We did fact CANCEL more events than we held last year.

We will endeavour to e-mail you ASAP at the address on your letter as we book an event if this will help.

All other items covered in your letter were complied with many months ago.

As you will be aware the cricket club has gone to great lengths and considerable expense to satisfy the one complainant Mr Aldham, and of course the council. We will continue to monitor our events and equipment to ensure compliance.

We are taking, and have taken our responsibilities to the local community very seriously, and will continue to do so for all our local residents not just Mr Aldham as we have always done.

As an aside to the above, could we please have a name and telephone number to enable the club to call upon your services at short notice and after office hours please.

Yours Sincerely.


Colin G Poplett
For and on behalf of Trowbridge Cricket Club.

Copy to Gerald Wilkinson ECB

AS EXHIBIT NUMBER: 13 SIGNED: _____**Witness St**

Richard Francis

(CRIMINAL PROCEDURE RULES, PART 27)

Statement of Witness*(Criminal Procedure Rules, r27.1(1)):**Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)***STATEMENT OF: ANNABEL LYSA KAREN WILKINSON****Age of witness: over 18****Occupation of witness: Environmental Health Officer**

This statement (consisting of 3 pages each 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 26 November 2012

Signature

I am an Environmental Health Officer employed by Wiltshire Council and formerly West Wiltshire District Council. I was asked to carry out a pre-arranged visit to Mr Aldam of 23 Downhayes Road, Trowbridge and possibly also Trowbridge Cricket Club together with colleagues from the Licensing Team. Mr Aldam had allegedly been experiencing noise problems from Trowbridge Cricket Club functions.

I visited Mr Aldam at his home on 14 July at about 2100hrs with Maggie Jones and Jo Quartley (Licensing Officers). Music could be heard very faintly within Mr Aldam's bedroom but he only noticed it when we pointed it out. Mr Aldam was happy with the level of noise at the time. He seemed most concerned that the licence conditions weren't being complied with and alleged that no-one from the cricket club ever monitored the noise from outside his

Signature

dated

26th November 2012

property. He said that the cricket club did not have many events but that when they have they have often been a problem and that he wanted to be sure they use their noise limiter. He suggested that we should have come later on in the evening but I advised him that based on previous information he had given us, we had decided to come at the start of the night's entertainment and that we could stay for quite some time if necessary and that we would also visit Trowbridge Cricket Club. I also explained that a further visit to him could probably be made if necessary and stressed that our main concern was the affect on him (and other residents) that is, the noise and not necessarily whether conditions were being complied with. I went on to explain that, for example, if the noise limiter is not in use but the noise is not a problem to anyone then we would not be so concerned. I also tried to explain the statutory nuisance and licensing enforcement processes. We left at approximately 2140hrs and the music volume did not really change during our visit.

We then visited the cricket club and met with Christine Davies. A band, The Boghouse Boys, was playing at the time and we noted that the noise limiter was not working. I asked Christine whether she realised that the limiter was not working and she replied yes she did and that the man (Brian) who deals with the limiter was on holiday and that no-one else knew how to use it. She said that she trusted the band that was playing at the time and has experience of using them and "knows that they are not noisy". Maggie and I explained that this was not the point and that the licence required the limiter to be in use when a live band is playing which should reduce the chances of noise being a problem. Maggie asked what monitoring of the noise from the Cricket Club was carried out and Christine said that Brian (a different Brian) was out monitoring at the time. She tried to get hold of Brian several times by phone but was unsuccessful. She told us that he normally spends about an hour monitoring. I asked if we could speak to her in a quieter place – as this all took place in a

Signature _____


dated _____

26th November 2012

busy bar. We moved to the office and after slight further questioning at 2152hours I proceeded to caution Christine as in my opinion clearly an offence had been committed. I asked Christine if she understood the caution and she replied that she did. Maggie and I repeated the questions about the use of the noise limiter and Christine's answers were the same as those previously given. Christine made it very clear that she knew the limiter should be in use but stressed that she had used common sense and didn't feel it was a problem. Maggie asked her if she could see the log book used to note down monitoring times etc and after looking for it briefly on the shelf, she said that it was with Brian, whom she tried to call unsuccessfully several times. I explained the action that could potentially be taken under both the Environmental Protection Act 1990 and the Licensing Act 2003 if breaching the previously served abatement notice and/or the premises licence. Christine also said, when questioned by Maggie, still under caution, that the extra cctv camera required by the licence had not been fitted yet, but eventually managed to print off a document to show that she had a quote for the works and that they were due to be done during the next week. We viewed the camera screen and discussed the positions of the existing cameras.

Brian did not return and we left Trowbridge Cricket Club at approximately 2215hrs. We returned to Downhayes Rd where my car was parked. The music was very slightly louder outside than previously but still not a nuisance, or breach of the abatement notice, in my opinion.

Signature _____

 dated

26th November 2012

WILTSH
PUBLIC PRO
LICENSING SECTION

Richard Francis

STATEMENT OF Margaret Janice Jones

1. I am the above named person and I work for Wiltshire Council as a Public Protection Licensing Officer. I have been a Licensing Officer dealing with the Licensing Act 2003 since June 2004.
2. Since the beginning of 2012, I have on two occasions carried out with work colleagues, noise monitoring at 23 Downhayes Road Trowbridge Wiltshire BA14 and Trowbridge Cricket Club Lower Court Trowbridge Wiltshire BA14 8PX.
3. The first occasion was on the 14 July 2012 at 2110 hours. I was accompanied by Joanne Quartley Public Protection Licensing Officer and Annabel Wilkinson Public Protection Environmental Health Officer. At the boundary of Downhayes Road with Palmer Gardens, music could be heard at a very low level. We then entered Mr Aldam's residence, 23 Downhayes Road. We were admitted to the dining room area. Music levels were inaudible. Myself and Annabel Wilkinson then went with Mr Aldam to his bedroom, where the windows facing in the direction of the Cricket Club, were open. Music levels at this point were almost inaudible. We then returned to the road outside of 23 Downhayes Road where the music levels had increased very

slightly.

4. We then proceeded to the Cricket Club and entered the first floor bar area at approximately 2150 hours. A band was playing on the stage, people were seated at the bar and at tables. Annabel Wilkinson and myself noted that the noise limiter traffic light indicating system was not operating.
5. Christine Davies, who is joint licence holder with Brian Scrine was by the bar and came over to speak to us. Mr Scrine was working behind the bar. I asked Christine Davies if the noise limiter was operating to which she replied that it was not as Mr Popplett was on holiday and no one else knew how to operate the system.
6. At this point it was clear to me that the condition on the premises licence relating to live music on the first floor being played through the noise limiter device, was not being complied with on this occasion. Officers with Ms Davies then proceeded to the Club's office where Mrs Wilkinson then cautioned Ms Davies.
7. I then asked to see the premises log book in which noise checks carried out by the premises were recorded. Ms Davies advised that the log book was not on the premises as Brian Bull was currently out doing the noise checks. She said he was usually out for an hour and I said we would wait for him to return. She said that he might not return but sometimes carried on doing the next round of checks. At this point Ms Davies did try to contact Mr Bull by mobile phone but there was no answer. Ms Davies

also said that the band playing tonight, The Boghouse Boys, had performed at the Club many times before. They were not loud, not a nuisance, she just knew. I then proceeded to read to her the condition on the licence that states that all live music must be played through the premises limiter. I felt there was no point in hanging around at the premises as we had no way of knowing if Mr Bull would return to the Club that evening with the log book. Myself and my colleagues then left the premises.

8. On the 17 July 2012, I wrote to Ms Davies and Mr Scrine a caution letter referring to the evening visit to the Cricket Club on the 14 July 2012 by myself and my colleagues. I produce a copy of this letter as **Exhibit mj1**. Following this letter, Ms Davies made an appointment to see me on the 23 July 2012. At this appointment she produced the premises log book. Extracts from the log book are produced as **Exhibit mj2**. Ms Davies also confirmed that both she and Mr Scrine were now trained to use the limiter. She also confirmed that she understood the condition relating to all live music on the first floor being played through the premises noise limiter.
9. The second occasion when I undertook noise monitoring was carried out was on the 28 July 2012 at 2115 hours. I was accompanied by Joanne Quartley Public Protection Licensing. We could just make out music coming from the direction of the Cricket Club at the boundary fence of Downhayes Road with Palmer Gardens. We did knock on the front door of 23

Downhayes Road to alert Mr Aldam that we were monitoring but he was not at home. We then left the area to carrying out licensing visits in Warminster returning to Downhayes Road at just before 2300 hours. The music was slightly louder but still not in my opinion a nuisance. I also noted traffic noise had reduced.

10. We then proceeded to the Cricket Club. The limiter was working with the traffic lights operating. I spoke to both Ms Davies and Mr Scrine. A live band was performing before an audience. Levels inside the premises were comfortable to be able to have a conversation. Mr Scrine advised that he was carrying out the external noise monitoring on this occasion. He confirmed that he had carried out checks in Downhayes Road where a resident had informed him that Mr Aldam was away for the weekend. Jo Quartley and myself then left the premises at approximately 2320 hours.

This statement, consisting of four 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.

Signature'

Dated the 4th..... Day of January..... 2013

17 July 2012

Ms C Davies & Mr B Scrine
132 Wyke Road
Trowbridge
Wiltshire
BA14 7NT

Public Protection
165 Bradley Road
Trowbridge
Wiltshire
BA14 0RD

Our Ref: mj3.7a

Dear Ms Davies and Mr Scrine

**Licensing Act 2003
Premises Licence Trowbridge Cricket & Sports Club Lower Court Trowbridge**

I refer to the licensing visit to the above premises during the evening of Saturday 14 July 2012 by myself, Licensing Officer Jo Quartley and Environmental Health Officer Annabel Wilkinson.

It was during this visit that it was acknowledged by Ms Davies that the live music being performed at the time of our visit, was not being played through the premises noise limiting device. This is contrary to the condition placed on the licence at the Licensing Hearing on the 6 January 2011, which stipulates that "all live music provided on this floor (first) shall be played through this device". This would be irrespective of whether in your opinions music sound levels performed by a particular band would not be a nuisance. You were reminded of the specific conditions of the premises licence relating to prevention of a noise nuisance by Senior Environmental Health Officer, Richard Francis, when he had cause to write to you on the 17 May 2012. His letter had been written following receipt of a complaint of disturbance of loud music to a local resident and which was witnessed by an officer from Wiltshire Council.

A clear breach of your licence occurred last Saturday night, witnessed by officers. As there were offences under the Licensing Act 2003, Mrs Davies was cautioned by Annabel Wilkinson. For clarity I am now repeating the caution:

"You do not have to say anything, but it may harm your defence if you do not mention, when questioned, something which you later rely on in court.

Anything you do say may be given in evidence".

Any written, verbal or response to the Local Authority, will be deemed to be under caution.

If further breaches are witnessed, the evidence from Saturday night may be used in any licensing or breach of notice prosecution brought by the Council before the Magistrates Court. It may also be used as evidence in a Licensing Review Hearing. I would therefore urge you that, from now on, irrespective of whether you feel the performance of a particular band is not going to cause a nuisance, that you do ensure that bands performing at the Club, play their music through the premises limiter.

Another breach of the licence that was confirmed by Ms Davies was that the additional CCTV camera oriented along Lower Court had not as yet been installed. We were advised that further work on the CCTV system was being carried out this week and that this additional camera would then be installed. I will therefore check for compliance next time I am in the area.

As the premises noise monitoring log book was not available on Saturday evening, can I request, at a time convenient to yourselves, that you bring the log book to the Council Offices in Bradley Road, or if more convenient I would be very happy to come to the Club to view the book. Perhaps you would kindly ring me on my direct line in the next few days to arrange an appointment.

Yours sincerely

Maggie Jones
Licensing Officer
Direct Dial: 01225 770536
Email: Licensingwest@wiltshire.gov.uk
Website: wiltshire.gov.uk

Exhibit mj2.

Sound level Recordings

Date 30-7-11 Band STRAIGHT Shooter. Type

The sound levels are taken from a number of specific points.

Point 1 Time	Inside clubhouse first floor outside office facing stage prior to band playing.	79 db	9.10
Point 2 Time	Clubhouse - Band Playing	89 db	9.15
Point 3	Centre Club Car Park - Band Playing	53 db	9.25
Point 4	Outside C/House East Side - Band Playing	NT db	
Point 5	Club Boundary East Side close to Complainant Band Playing	47 db	10.15 + 10.30
Point 6	Junction Lower Court/Timbrell Street - Band Playing	NT db	

Person Taking Readings:

Comments if any:

P.S.

Sound level Recordings

Date 5th Nov 11 Band Bog House Bog Type

The sound levels are taken from a number of specific points.

Point 1 Time	Inside clubhouse first floor outside office facing stage prior to band playing.	60 db
Point 2 Time	Clubhouse - Band Playing	72 db
Point 3	Centre Club Car Park - Band Playing	51 db
Point 4	Outside C/House East Side - Band Playing	51 db
Point 5	Club Boundary East Side close to Complainant Band Playing	36 db
Point 6	Junction Lower Court/Timbrell Street - Band Playing	db

Various times throughout evening.

Person Taking Readings:

Comments if any:

Sound level Recordings

Date 17.12.11 Band Full Motley Type

The sound levels are taken from a number of specific points.

Point 1	Inside clubhouse first floor outside office facing stage prior to band playing.	72 db	20.40
Point 2	Clubhouse - Band Playing	83 db	21.00
Point 3	Centre Club Car Park - Band Playing	51 db	21.10
Point 4	Outside C/House East Side - Band Playing	51 db	21.15
Point 5	Club Boundary East Side close to Complainant Band Playing	50 db	21.20
Point 6	Junction Lower Court/Timbrell Street - Band Playing	36 db	21.25

Person Taking Readings:

Comments if any: _____

Sound level Recordings

Date 11.2.12 Band Boys house boys Type

The sound levels are taken from a number of specific points.

Point 1	Inside clubhouse first floor outside office facing stage prior to band playing.	67 db	<i>or above or then about.</i>
Point 2	Clubhouse - Band Playing	80 db	
Point 3	Centre Club Car Park - Band Playing	49 db	
Point 4	Outside C/House East Side - Band Playing	51 db	
Point 5	Club Boundary East Side close to Complainant Band Playing	49 db	
Point 6	Junction Lower Court/Timbrell Street - Band Playing	32 db	

Person Taking Readings:

Comments if any: _____

*Cold night glass conditions
continuous to sound transmission*

[Signatures]

Sound level Recordings

Date 10 March 12 Band Full Martin Type

The sound levels are taken from a number of specific points.

Point 1	Inside clubhouse first floor outside office facing stage prior to band playing.	86 db	21.10
Point 2	Clubhouse - Band Playing	91 db	21.15
Point 3	Centre Club Car Park - Band Playing	55 db	21.30
Point 4	Outside C/House East Side - Band Playing	54 db	10.30
Point 5	Club Boundary East Side close to Complainant Band Playing	49 db	10.45
Point 6	Junction Lower Court/Timbrell Street - Band Playing	36 db	out side hrs kawa - Phone Club no smf

Person Taking Readings: BB
 Comments if any: _____

Sound level Recordings

Date 24 March 17 Band Jo Duo Band Type

The sound levels are taken from a number of specific points.

Point 1	Inside clubhouse first floor outside office facing stage prior to band playing.	69 db	9 pm
Point 2	Clubhouse - Band Playing	84 db	9.15
Point 3	Centre Club Car Park - Band Playing	50 db	9.25
Point 4	Outside C/House East Side - Band Playing	52 db	9.40
Point 5	Club Boundary East Side close to Complainant Band Playing	48 db	51 9.50 hi) L. 1.17.4
Point 6	Junction Lower Court/Timbrell Street - Band Playing	30 db	

Person Taking Readings: Cap
 Comments if any: _____

Sound level Recordings

Date 7th April Band Train Steaville Type

The sound levels are taken from a number of specific points.

Point 1	Inside clubhouse first floor outside office facing stage prior to band playing.	62 db	9.2m
Point 2	Clubhouse - Band Playing	79 db	9.10
Point 3	Centre Club Car Park - Band Playing	50 db	9.20
Point 4	Outside C/House East Side - Band Playing	51 db	9.35
Point 5	Club Boundary East Side close to Complainant Band Playing	49 db	9.45
Point 6	Junction Lower Court/Timbrell Street - Band Playing	34 db	10pm

Person Taking Readings:

Comments if any: _____

OP

Sound level Recordings

Date 5th May Band Legacy Type

The sound levels are taken from a number of specific points.

Point 1	Inside clubhouse first floor outside office facing stage prior to band playing.	79 db	
Point 2	Clubhouse - Band Playing	91 db	
Point 3	Centre Club Car Park - Band Playing	52 db	
Point 4	Outside C/House East Side - Band Playing	53 db	
Point 5	Club Boundary East Side close to Complainant Band Playing	47 db	Outside his House
Point 6	Junction Lower Court/Timbrell Street - Band Playing	36 db	

Person Taking Readings:

Comments if any: _____

J. Bull Problems with Electrics
M.E to be inform

Sound level Recordings

Date 14th Jun 12 Band Booghouse Boys Type

The sound levels are taken from a number of specific points.

Point 1	Inside clubhouse first floor outside office facing stage prior to band playing.	69 db	9 pm
Time		71 db	9.15
Point 2	Clubhouse - Band Playing		
Time		50 db	9.30
Point 3	Centre Club Car Park - Band Playing		
Time		51 db	9.45 10.15
Point 4	Outside C/House East Side - Band Playing		
Time		50 db	10 pm - 10.35
Point 5	Club Boundary East Side close to Complainant Band Playing		
Point 6	Junction Lower Court/Timbrell Street - Band Playing	38 db	

Person Taking Readings:

Comments if any:

Very hot night. Final - 11.15 pm.
Brian Bell. QJB

Sound level Recordings

Date _____ Band _____ Type _____

The sound levels are taken from a number of specific points.

Point 1	Inside clubhouse first floor outside office facing stage prior to band playing.	db
Time		db
Point 2	Clubhouse - Band Playing	
Time		db
Point 3	Centre Club Car Park - Band Playing	
Time		db
Point 4	Outside C/House East Side - Band Playing	
Time		db
Point 5	Club Boundary East Side close to Complainant Band Playing	
Time		db
Point 6	Junction Lower Court/Timbrell Street - Band Playing	db

Person Taking Readings:

Comments if any:

AS EXHIBIT NUMBER: 16 SIGNED: _____

Richard Francis

Witness Statement

(CRIMINAL PROCEDURE RULES, PART 27)

Statement of Witness

(Criminal Procedure Rules, r27.1(1)):

Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF: LINDA VANESSA HOLLAND

Age of witness: over 18

Occupation of witness: Senior Public Protection Officer - Licensing

This statement (consisting of pages each 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 _____

Signature.....


1. My name is Linda Holland and I am a Senior Licensing Officer within the Licensing Team, of Wiltshire Council. I have been working for the council for 22 years, 19 years as a Licensing Officer. I am an authorised officer of Wiltshire Council **Exhibit 1**.
2. On the 25th August 2012 I was carrying out a late night enforcement visit of Trowbridge Cricket Club with Mr Richard Francis Senior Environmental Officer.
3. We parked our car in Delamare Road, Trowbridge we exited it into Islington and crossed the road into Downhayes Road Trowbridge, as we walked towards no 23 in the bottom left hand corner of the road music could clearly

Signature



_____ dated

9th November 2012

- be heard but no words were audible outside number 21. We could identify the music as coming from Trowbridge Cricket Club.
4. On entering number 23 Downhayes Road at 22.30 we were directed to the main bedroom where the sash windows were open at the top. Music and lyrics were audible within the room, the words to "The House of the Rising Sun", and "Brown Eyed Girls" could clearly be identified. A guitar solo was also audible whilst stood in the bedroom. We left the property and the music and words were still audible in the street outside number 21.
 5. We left Downhayes Road returning at 23:15 no music or words were audible and the patrons of Trowbridge Cricket Club could be heard dispersing the premises.
 6. On the 1st September I was carrying out late night monitoring of Trowbridge Cricket Club with Susie Vowles Public Protection Officer (Noise Pollution), the evening was clear with a light wind no rain. We parked in Delamare Road and walked into Islington and crossed the Road into Downhayes Road at 21:40, as we walked down Downhayes Road and reached number 5 music (drums and guitar) was clearly audible but the lyrics were muffled.
 7. We walked back to the junction of Downhayes Road and Islington and the music was audible.
 8. At 21:54 I was stood outside number 23 Downhayes Road the words and music to "On my Radio" were clearly audible, a second song "Message to You Rudy", I was able to identify the following lyrics "stop your messing around", "time to think of your future".

Signature



dated

9th November 2012

9. At 22:00 Whoa, Whoa, Whoa could be heard being sung followed by a guitar solo.
10. At 22:10 we returned to the road junction no music or lyrics were now audible.
11. In my opinion at this point the music and lyrics were significantly louder than I had witnessed the previous Saturday 25th August 2012.
12. At 22:33 we had move our vehicle to the carpark of the Trowbridge Cricket Club, the music resumed after a short break, the voices of customers sitting outside the premises were audible over the music which was a reggae beat, the voices of the singer was muffled.
13. We drove our vehicle into Seymour Road at 22:44 parked adjacent to cricket pitch and road junction opposite telephone box. Music clearly audible, lyrics muffled. Voices and laughter of customers gathered outside the premises audible.
14. At 22:55 we returned to Downhayes Road, on reaching number 9 Downhayes Road music and lyrics audible "No,no, no you don't love me no more" .
15. At 23:10 we returned to the Trowbridge Cricket Club and entered the building, the band was playing on the first floor stage area, we spoke to Christine Davis. I observed that the noise limiter was being used and the lights flashing in sequence, the limiter went to red as the song ended. The relevant socket to enable the use of the limiter had to plugs plugged into it.
16. There were approximately 50 customers in the premises, Christine confirmed to me that the limiter was being used and noise monitoring was

Signature

_____ dated

9th November 2012

being carried out but the monitoring sheets would not be available until Wednesday. Christine Davis asked how the levels were , Suzi Vowles advised Christine that the music and lyrics were audible.

17. We left the premises at 23:20
18. We returned to Downhayes Road arriving at 23:25 no music or lyrics now audible.
19. We returned to Seymour Road at 23:30 parking in the same location as previously, no music or lyrics now audible, voices from patrons outside the Trowbridge Cricket Club clearly audible, voices not raised just normal conversation from customers using smoking area outside.
20. We left the area at 23:45
21. On 19th October 2012 (carnival night) at 22:30 Mr Francis and I carried out a visit to Downhayes Road, no music was audible, we walked to the Cricket Club and assumed the planned music event had been cancelled.
22. As a Licensing Officer with 19 years experience of carrying out numerous licensing inspection / enforcement visit both during the day and night time in my opinion the volume of the music being played at the Trowbridge Cricket Club constituted a public nuisance due to the distance at which the music could be clearly heard.

Signature



dated

9th November 2012

4

AS EXHIBIT NUMBER: 17 SIGNED: _____

28 September 2012

Richard Francis

PUBLIC PROTECTION SERVICES
 County Hall
 Bythesea Road
 Trowbridge
 Wiltshire
 BA14 8JN

Mr & Mrs Davis
 132 Wyke Road
 Hilperton
 Wiltshire
 BA14 7NT

Our Ref:

Dear Mr & Mrs Davies

Trowbridge Cricket Club
Review of premises licence and Acoustic assessment of the building structure
Noise Breakout – 1 September 2012

I refer to the meeting at the cricket club on Friday the 31st of August 2012 between Christine Davis for the club and Graham Steady and me for Environmental Protection.

You raised concerns with regards to the effectiveness and limitations of the noise limiter and in particular the setting of a low level that the noise of the audience without music was triggering the limiter into the red light zone. Unfortunately the limiter is only as good as the building structure it is used within and in this case the setting of such a low level is an indication of how ineffective the structure is in reducing noise transmission to the external environment. I believe we both agree that if it is used correctly the music should not be heard outside, although this has a knock on effect in dampening the enjoyment for both the musicians and the audience within your venue and I believe it makes the use of the limiter problematic.

At the meeting Graham Steady suggested that the club should contact the Council formally to request a meeting to address this issue either through a variation of the licence or the appointment of an acoustic consultant to provide professional advice. Unfortunately this has not happened and music from the event held on the 1st of September 2012 has been witnessed by officers causing a public nuisance, which I believe indicates that the noise limiter and conditions upon your licence are ineffective controls to manage music events.

I have no option now but to collate evidence to formally call a review of your premise licence. However, I am still of the view that an acoustic assessment can be undertaken of the building to establish whether there is a solution to allow the club to run in harmony with its neighbours.

I should record that officers have, from the outset, expressed concerns that the first floor of the pavilion is unsuitable for both live and recorded music as the building structure does not adequately insulate the venue allowing music noise to readily breakout into the surrounding environment. You could even go as far as concluding that the building is acoustically transparent, as a result of its age and limited construction.

.....continued overleaf

In order to be as helpful as possible we propose that Wiltshire Council will instruct an acoustic consultant to assess the building structure and provide a report with detailed recommendations on possible schemes that may address the concerns triggered in the review. Although the report will be provided for the Council, we will share all findings of the assessment with the Cricket Club.

Initial discussions have indicated that sound testing can be undertaken to identify the weaknesses in the structure and hopefully a number of proposals can be identified that can gain varying degrees of improvement at different levels of expenditure. In addition I have discussed the cricket pavilion with the Council's Conservation officer and understand the building is not listed; this is favourable as any recommendations that do not change the external appearance of the building are likely to be acceptable in Planning terms.

I hope this letter clarifies the Council's position and I request that you contact me prior to the 6th of October 2012 to arrange a convenient date for an acoustic assessment to be undertaken.

Yours sincerely

Richard Francis
Senior Environmental Health Officer

tel no 01249 706555

email: richard.francis@wiltshire.gov.uk

AS EXHIBIT NUMBER: 21 SIGNED: _____

Richard Francis

Industrial Noise & Vibration Centre Limited
 Plymouth Road • Slough • Berkshire • SL1 4LP
 Tel : 01753 698800 Fax : 01753 567988
 Email : consult@invc.co.uk
 Web : www.invc.co.uk



Email to : Richard Francis, Wiltshire Council
 Email address : richard.francis@wiltshire.gov.uk
 From : Steve Wray
 Date : 15 November 2012
 Subject : Trowbridge Cricket Club Function Noise
 Assessment and Best Practicable Means Audit
 Report No : 7156

report

Introduction

The **Industrial Noise & Vibration Centre (INVC)** was requested by Richard Francis of Wiltshire Council to carry out an assessment and best practicable means (BPM) audit of function noise from Trowbridge Cricket Club.

The objectives of the assessment are:

- To determine the sound insulation of the building structure;
- To recommend a schedule of works that would improve the sound insulation to a level that would prevent noise breakout being heard at the nearest offsite noise sensitive receptors located in Downhayes Road;
- To provide an expert opinion for and on behalf of the Council on the current controls and their effectiveness/limitations in controlling noise breakout from the premises.

This report presents the details and results of a noise survey that was carried out on Thursday 25 October 2012.

Background information

Trowbridge Cricket Club has the second oldest cricket pavilion outside Lords. It is believed that the first floor is of wood and plaster construction with a high beamed ceiling and tiled roof. The building is not listed. The ground floor is surrounded on three sides by blockwork extensions that form kitchen, changing rooms and stairway.

The Council have been investigating complaints resulting from live music events and are in the process of calling a licensing review of the premises licence.

Live music can be heard at noise sensitive receptors at Downhayes Road and on occasions as far as the B3106 at the end of Downhayes Road. Officers have witnessed live music which has been clear with both the vocals and the words being easily identified. The Council are of the opinion that the structure is unsuitable for live and recorded music and would go as far as saying it is acoustically transparent.

The club has a noise limiter within the first floor function room that has been set by officers of the Council on two separate occasions. Concerns have been expressed by the club that the level is so low that the audience trigger the limiter. In addition at these low levels the music does not achieve the ambience/atmosphere required for a live music event, which arguably reflects the inadequacy of the building structure to hold live music events.

Through the licensing process conditions have been placed upon the licence to control music by means of a Noise Management Plan, the Noise Limiter, a restriction to 2 events a month, and live music events restricted to finish at 11.30pm. The aim is to provide a detailed acoustic assessment with recommendations to the Council on the current suitability of the Trowbridge Cricket Pavilion as a venue to hold live and recorded music without causing nuisance to the nearest noise sensitive receptors on Downhayes Road.

Noise survey

A noise survey was carried out on Thursday 25 October 2012. Pulsed pink noise (3 seconds of pink noise followed by 3 seconds of silence) played through a high power amplifier and speaker was used as a noise source. Recordings of the resultant noise were carried out at various positions inside and outside the building.

The site location is shown in Figure 1, and the measurement positions on the first and ground floors are shown in Figures 2 and 3 respectively.

The first floor function room was assessed first with the noise source on the stage (shown in red in Figures 2 and 3), and the ground floor was assessed second with the noise source in the corner of the room (shown in blue in Figures 2 and 3).

The following recordings were obtained:

First Floor Function Room (noise source on stage)

- 1417 - At rear of first floor function room
- 1418 - In centre of first floor function room
- 1419 - At front of first floor function room
- 1420 - On stage in first floor function room
- 1423 - On balcony outside first floor function room (noise breakout through wall)
- 1425 - On balcony outside first floor function room (noise breakout through window)
- 1426 - On balcony outside first floor function room (noise breakout through door)
- 1427 - On balcony outside first floor function room (noise breakout through window)
- 1428 - On balcony outside first floor function room (noise breakout through wall)
- 1429 - Inside loft hatch above door on balcony outside first floor function room
- 1430 - In centre of ground floor room (noise breakout through floor)
- 1431 - Outside door at bottom of stairs to first floor function room
- 1432 - 20m outside front of building (north west facade)
- 1433 - 1m outside rear of building (south east facade)
- 1434 - 1m outside side of building (north east facade)
- 1435 - 1m outside front of building (north west facade)
- 1436 - 1m outside side of building (south west facade)

Ground Floor (noise source in corner of room)

- 1438 - At front of ground floor room
- 1439 - In centre of ground floor room
- 1440 - At rear of ground floor room
- 1441 - At rear of first floor function room (noise breakout up stairs)
- 1442 - In centre of first floor function room (noise breakout through ceiling)
- 1443 - Outside ground floor room (noise breakout through door)
- 1444 - Outside ground floor room (noise breakout through window)
- 1446 - Outside ground floor room (noise breakout through vent)
- 1447 - Outside ground floor room (noise breakout through window)
- 1448 - Outside ground floor room (noise breakout through door)
- 1449 - 20m outside front of building (north west facade)
- 1450 - 1m outside front of building (north west facade)
- 1451 - 1m outside side of building (south west facade)
- 1452 - 1m outside rear of building (south east facade)
- 1453 - 1m outside side of building (north east facade)

The recordings were subsequently analysed in the office to provide octave band noise levels, reverberation times (RT), level differences (D), and normalised level differences (Dnt). Where necessary, the results have been corrected for background noise (BG). The results are given in Tables 1 and 2.

Assessment of results

It can be seen from the results that the typical attenuation between inside and outside is:

First Floor Function Room (Noise Source on Stage)

From	To	Attenuation (dB)
Centre of first floor function room	Balcony outside (noise breakout through wall)	38.5
	Balcony outside (noise breakout through window)	40.4
	Balcony outside (noise breakout through door)	39.3
	Balcony outside (noise breakout through window)	39.7
	Balcony outside (noise breakout through wall)	41.0
	Centre of ground floor room (noise breakout through floor)	39.5
	20m outside front of building (north west facade)	35.4
	1m outside rear of building (south east facade)	27.8
	1m outside front of building (north west facade)	26.3
	1m outside side of building (south west facade)	33.5

Ground Floor (noise source in corner of room)

From	To	Attenuation (dB)
Centre of ground floor room	Centre of first floor function room (noise breakout through ceiling)	27.4
	Outside ground floor room (noise breakout through door)	18.6
	Outside ground floor room (noise breakout through window)	17.1
	Outside ground floor room (noise breakout through vent)	14.1
	Outside ground floor room (noise breakout through window)	16.8
	Outside ground floor room (noise breakout through door)	18.0
	20m outside front of building (north west facade)	36.3
	1m outside front of building (north west facade)	26.2
	1m outside side of building (south west facade)	41.0
	1m outside rear of building (south east facade)	33.5
	1m outside side of building (north east facade)	23.7

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The sound insulation of the first floor function room is therefore reasonably good, reducing the noise breakout from inside to outside by about 40 dB through the walls, windows and door, but only by about 30 dB at 1m outside the building. By contrast, the sound insulation of the ground floor is poor, reducing the noise breakout from inside to outside by only about 20 dB through the doors, windows and vents. This suggests that there may be a sound transmission path from the first floor to the ground floor.

Discussion

It was initially suspected that the roof would be the weak link. However, although it was not possible to gain access to the roof to measure the noise breakout, the roof did not appear to be the limiting factor. With the noise source on the stage in the function room, most of the noise breakout appeared to come through the front (and to a lesser extent through the rear) of the building. By contrast, there seemed to be relatively little noise breakout through the sides of the building. This suggests that the sound insulation of the roof is reasonably good, probably similar to the walls, windows and door. The measurements of the noise breakout through walls, windows and door onto the balcony outside the first floor function room also indicate that there are no weak links, apart from some gaps around the edges of the door.

However, the sound insulation of the ground floor was poor. With the noise source in the corner of the room, there was significant noise breakout through the front, side and rear of the building (mostly through poorly sealed doors, windows and vents). A significant amount of noise control work would be required to improve the sound insulation of the ground floor if this was to be used for functions with amplified music.

Although the sound insulation of the first floor function room is reasonably good, reducing the noise breakout from inside to outside by about 40 dB through the walls, windows and door, there is only a noise reduction of about 30 dB at 1m outside the building. This suggests that there is a sound transmission path from the first floor to the ground floor. It was noted that there was some noise transmission down the stairs at the front and rear of the function room, but this is unlikely to be the main transmission path. It was also noted that there were high noise levels inside the loft hatch above the door on the balcony outside first floor function room. It is therefore suspected that there is a sound transmission path from the first floor to the ground floor in the cavity inside the walls. Removing this sound transmission path would improve the sound insulation of the first floor function room significantly. It is also possible that there is some sound transmission through gaps in the soffits between the walls and the roof.

With the noise source on the stage in the function room, the following noise levels were generated:

- 106 dB on the stage in the first floor function room
- 105 dB at the front of the first floor function room
- 100 dB in the centre of the first floor function room
- 97 dB at the rear of the first floor function room
- 64 dB (52 dB(A)) 20m outside the front of the building

The nearest offsite noise sensitive receptor located in Downhayes Road is about 76m away, and the noise level at this position would be about 41 dB(A).

It was also noted that the microphone for the noise limiter was located at the rear of the function room. This would explain why the audience can trigger the limiter. There is a difference of about 10 dB between the front and the rear of the function room. If the microphone was moved to the front of the function room, then it could be set about 10 dB higher, and the audience would be less likely to trigger the limiter.

Recommended schedule of works

The following schedule of works is recommended to improve the sound insulation of the first floor function room:

1. Remove the sound transmission path from the first floor to the ground floor in the cavity inside the walls. This could be achieved by injecting expanding foam into the cavity inside the walls between the first floor and the ground floor.
2. Seal any gaps in the soffits between the walls and the roof with mastic or similar.
3. Add acoustic absorbent inside the first floor function room to reduce the low frequency reverberant noise. The absorbent could be hung in the roof space and/or fixed to the walls. To reduce the low frequency noise, nominally 100mm thick acoustic absorbent should be used.
4. Seal the gaps around the edges of the door to the balcony outside the first floor function room. This could be achieved by fitting compressible seals or similar, although it would be preferable to replace the existing door with a better fitting door with a well sealed frame.
5. Move the microphone for the noise limiter from the rear to the front of the function room and reset the limiter.

Note: Items 1, 2 and 4 above should also improve the thermal insulation of the first floor function room.

If the above schedule of works is implemented, then it should reduce the noise breakout from the first floor function room by more than 10 dB. It would then be practicable to hold functions with amplified music at levels of up to 100 dB inside the function room, whilst maintaining a noise level of about 30 dB(A) at the nearest offsite noise sensitive receptors located in Downhayes Road. It should be noted that the above schedule of works will not prevent noise breakout being heard at the nearest offsite noise sensitive receptors located in Downhayes Road, but it should reduce it to an acceptable level.

Noise at nearest offsite noise sensitive receptor located in Downhayes Road

The Council has subsequently carried out further noise measurements and recordings inside the bedroom of the nearest offsite noise sensitive receptor located in Downhayes Road whilst a function was in progress, and a sample of the recordings was sent to INVC for review. It is difficult to be objective, because the recordings are very quiet (it is understood that the noise level was about 30 - 35 dB(A) inside the bedroom), so it was necessary to amplify them which may make them sound worse than they really are. However, it was agreed that the music was very clear, and much more so than the results of the noise survey would suggest.

This suggests that there may be another sound transmission path that has not been identified. It could be that the sound insulation of the roof is not as good as the results of the noise survey suggest, or that there are some gaps in the soffits between the walls and the roof, or that there is a structure borne sound transmission path between the speakers and the ground floor, or something else. If this is the case, then the recommended schedule of works may not improve the sound insulation of the first floor function room by as much as the results of the noise survey suggest.

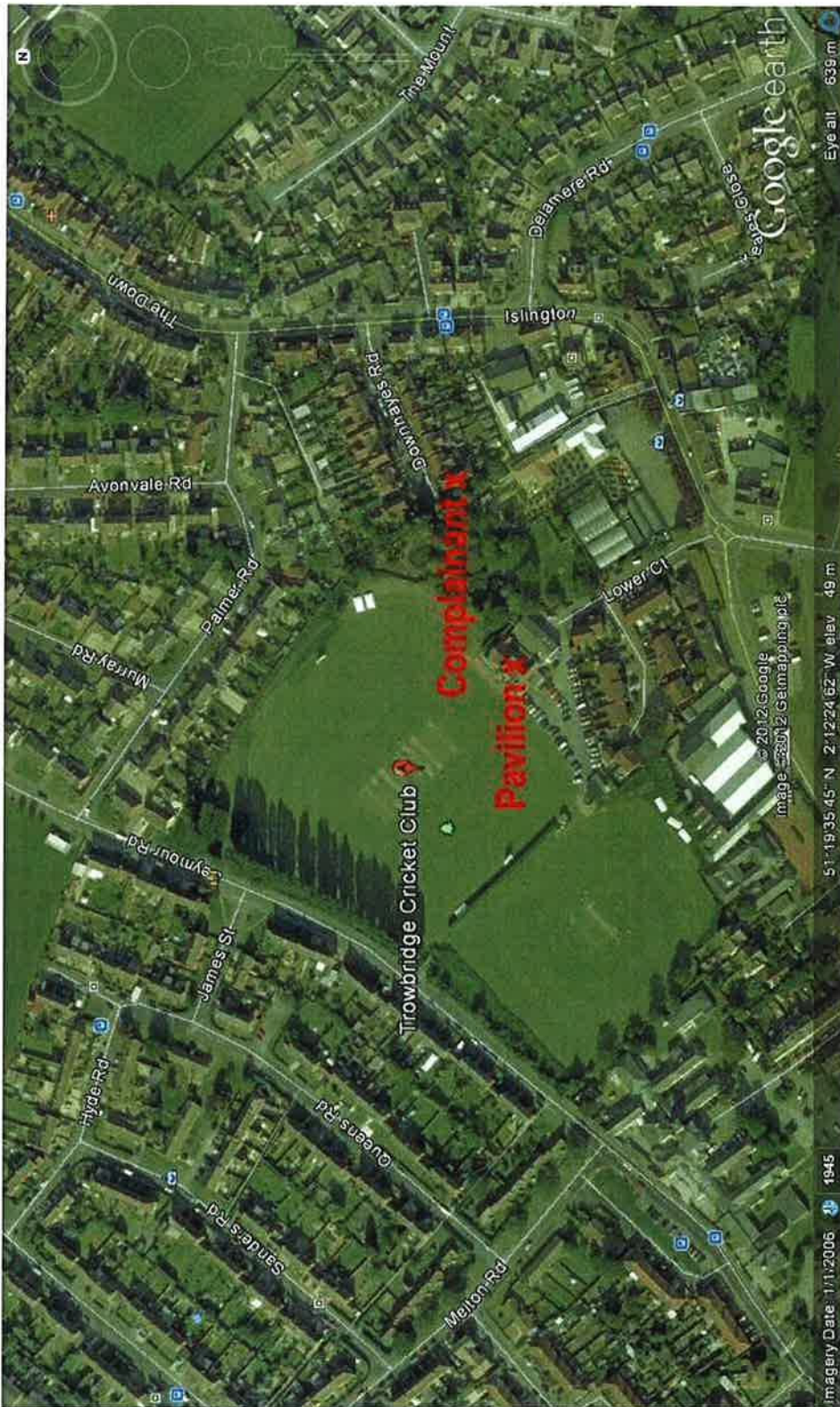
To confirm whether there is another sound transmission path that has not been identified, a further noise survey would be required. It is recommended that the further noise survey should include:

- measurements of the sound insulation of the roof - this would require access to the roof (scaffolding or a cherry picker);
- an assessment of the noise at source and at the nearest offsite noise sensitive receptor located in Downhayes Road whilst a function is in progress - this would have to wait until the next function.



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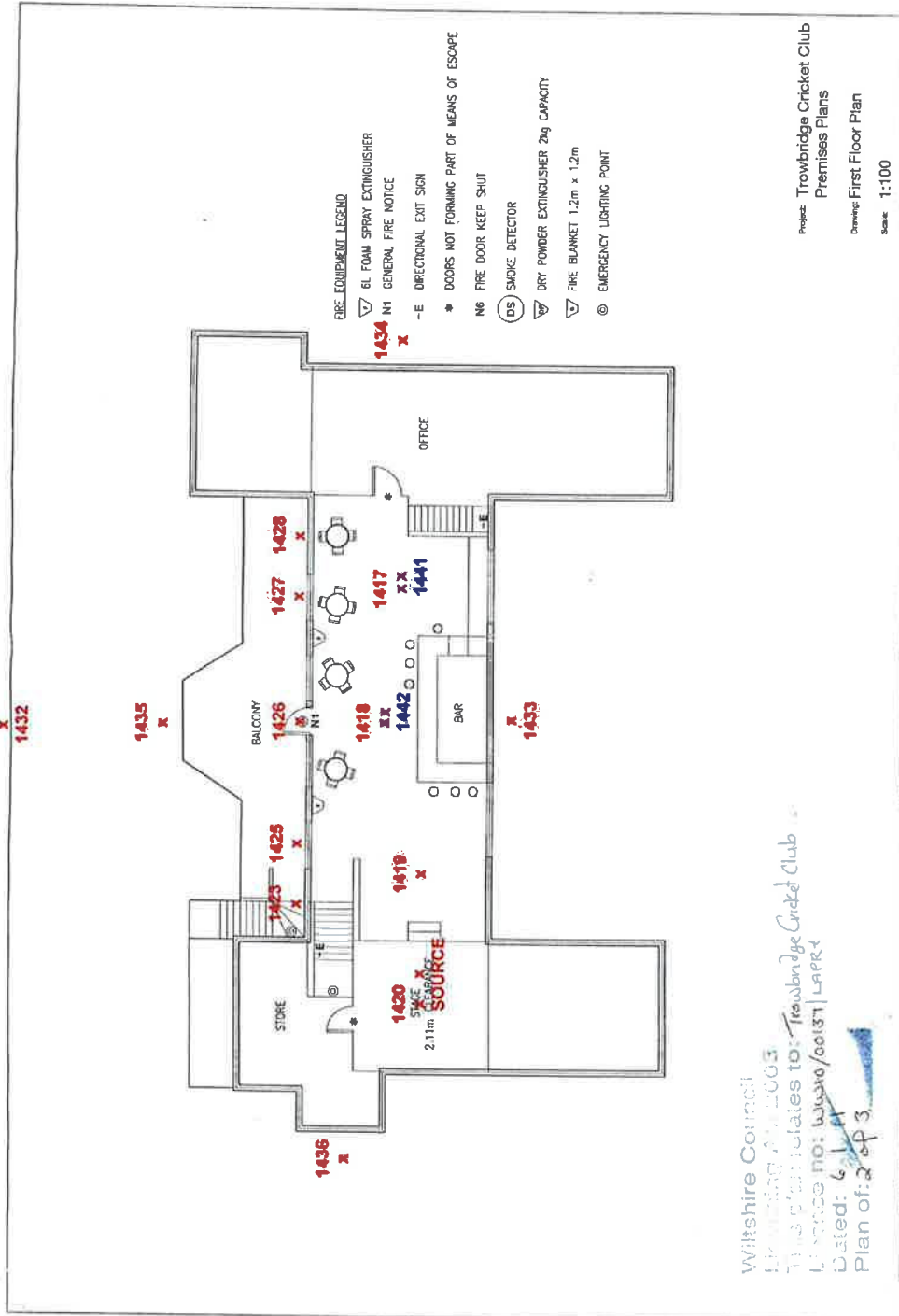
Figure 1 : Site Location



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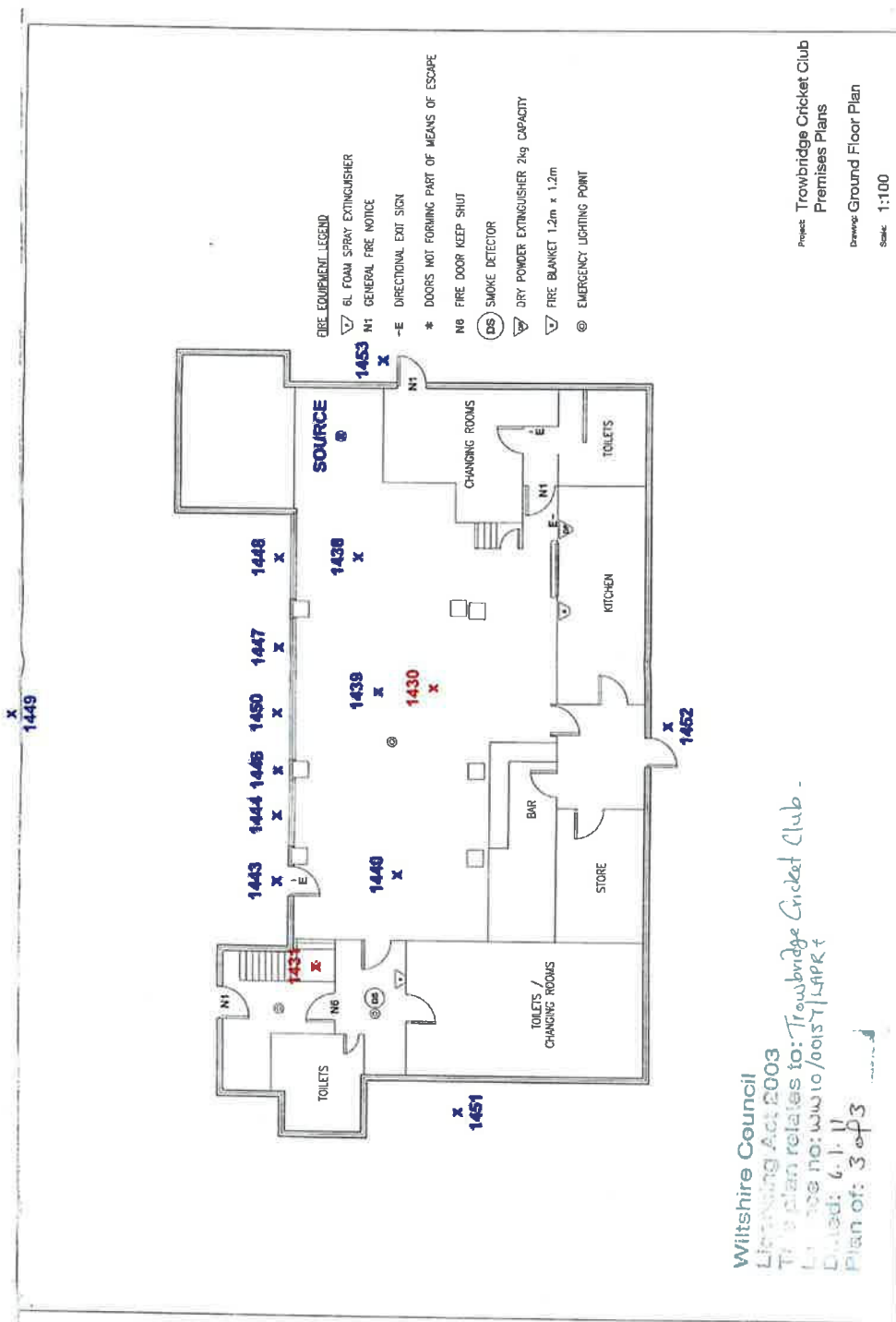


Figure 2 : Measurement Positions, First Floor



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Figure 3 : Measurement Positions, Ground Floor



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Table 1 : Results of Noise Survey, First Floor Function Room

Recording No	Sample	Location	SPL [dB] for the different octave bands										Overall SPL [dB]
			63	125	250	500	1000	2000	4000	8000	16000		
1420 - Source	1	Stage	100.38	100.76	100.31	94.57	95.57	90.25	87.48	82.89	73.22	106.2	
	2		99.12	101.35	100.56	94.95	96.36	90.23	87.14	82.53	73.28	106.3	
	3		100.15	101.64	100.3	94.66	96.5	90.13	87.22	82.69	73.34	106.5	
	Average		99.9	101.3	100.4	94.7	96.1	90.2	87.3	82.7	73.3	106.3	
	RT		1.8										
1417	1	Rear of upstairs room	80.0	92.7	90.5	88.4	83.2	85.1	84.9	83.1	77.4	96.9	
	2		80.0	92.4	90.1	88.4	83.0	85.0	85.0	83.1	77.0	96.7	
	3		82.2	93.4	91.0	88.8	83.6	84.9	85.1	83.6	77.4	97.4	
	Average		80.7	92.9	90.5	88.5	83.2	85.0	85.0	83.2	77.3	97.0	
	RT		1.8										
	D [dB]		19.1	8.4	9.9	6.2	12.9	5.2	2.3	-0.5	-4.0	9.3	
	Dnt [dB]		24.7	14.0	15.5	11.7	18.5	10.8	7.9	5.0	1.6	14.9	
1418	1	Centre of upstairs room	87.82	95.53	92.36	89.63	88.38	88.91	89.05	86.9	81.07	99.9	
	2		87.95	95.66	92.83	89.92	88.4	88.82	88.91	86.96	81.3	100.0	
	3		86.8	94.99	91.58	89.64	88.72	89.02	88.97	86.88	81.41	99.5	
	Average		87.5	95.4	92.3	89.7	88.5	88.9	89.0	86.9	81.3	99.8	
	RT		1.8										
	D [dB]		12.4	5.9	8.1	5.0	7.6	1.3	-1.7	-4.2	-8.0	6.5	
	Dnt [dB]		17.9	11.4	13.7	10.6	13.2	6.8	3.9	1.4	-2.4	12.1	
1419	1	Front of upstairs room	93.14	99.16	95.98	98.52	95.14	95.4	93.08	94	88.99	105.2	
	2		93	98.41	95.81	98.19	94.98	95.31	93.11	93.92	88.93	104.9	
	3		92.67	98.76	95.98	98.52	94.97	95.31	93.1	93.91	88.92	105.1	
	Average		92.9	98.8	95.9	98.4	95.0	95.3	93.1	93.9	88.9	105.1	
	RT		1.8										
	D [dB]		6.9	2.5	4.5	-3.7	1.1	-5.1	-5.8	-11.2	-15.7	1.2	
	Dnt [dB]		12.5	8.0	10.0	1.9	6.7	0.4	-0.3	-5.7	-10.1	6.8	
1423	1	Balcony - Wall	55.77	58.89	49.77	45.16	36.66	32.85	31.38	26.36	23.99	61.1	
	2		55.77	58.89	49.77	45.16	36.66	32.85	31.38	26.36	23.99	61.1	
	3		56.05	59.44	50.89	45.58	36.93	32.7	31.27	26.69	24.24	61.6	
	Average		55.9	59.1	50.1	45.3	36.8	32.8	31.3	26.5	24.1	61.3	
	RT		0.5										
	D [dB]		44.0	42.2	50.2	49.4	59.4	57.4	55.9	56.2	49.2	45.1	
	Dnt [dB]		44.0	42.2	50.2	49.4	59.4	57.4	55.9	56.2	49.2	45.1	
1425	1	Balcony - Window	50.39	56.94	53.85	44.79	36.99	38.12	35.63	29.86	23.82	59.5	
	2		50.56	56.89	53.02	44.5	37.12	38.27	35.4	29.81	23.77	59.3	
	3		50.84	57.17	53.05	44.57	37.67	38.2	35.7	29.88	23.91	59.5	
	Average		50.6	57.0	53.3	44.6	37.3	38.2	35.6	29.9	23.8	59.4	
	RT		0.5										
	D [dB]		49.3	44.3	47.1	50.1	58.9	52.0	51.7	52.9	49.4	46.9	
	Dnt [dB]		49.3	44.3	47.1	50.1	58.9	52.0	51.7	52.9	49.4	46.9	

1
2
3
Average
RT
D [dB]
Dnt [dB]



Recording No	Sample	Location	SPL [dB] for the different octave bands									Overall SPL [dB]	
			63	125	250	500	1000	2000	4000	8000	16000		
1426	1	Balcony - Door	54.6	58.87	52.38	44.37	39.91	42.37	39.63	33.45	26.1	61.1	
	2		55.74	59.66	51.8	44.33	40.51	42.39	39.85	33.21	26.43	61.8	
	3		52.5	56.43	49.39	41.4	37.84	39.5	36.94	30.58	24.05	58.7	
	Average		54.3	58.3	51.2	43.4	39.4	41.4	38.8	32.4	25.5	60.5	
	RT		0.5										
	D [dB]		45.6	42.9	49.2	51.4	56.7	48.8	48.5	50.3	47.8	45.8	
	Dnt [dB]		45.6	42.9	49.2	51.4	56.7	48.8	48.5	50.3	47.8	45.8	
1427	1	Balcony - Window	51.03	58.19	53.57	44.52	36.43	35.04	34.56	27.69	23.74	60.2	
	2		50.15	57.73	53.68	44.02	36.29	35.4	34.58	27.55	23.67	59.9	
	3		50.25	58.28	53.91	44.77	36.36	35.43	34.87	28.46	24.16	60.3	
	Average		50.5	58.1	53.7	44.4	36.4	35.3	34.7	27.9	23.9	60.1	
	RT		0.5										
	D [dB]		49.4	43.2	46.7	50.3	59.8	54.9	52.6	54.8	49.4	46.2	
	Dnt [dB]		49.4	43.2	46.7	50.3	59.8	54.9	52.6	54.8	49.4	46.2	
1428	1	Balcony - Wall	51.43	59.02	48.59	42.58	34.95	33.7	33.99	29.21	24.2	60.2	
	2		45.8	56.03	45.84	40.11	32.96	30.8	31.08	27.18	22.35	56.9	
	3		47.61	58.39	48.84	42.73	34.86	33.47	34.32	29.06	23.74	59.3	
	Average		48.3	57.8	47.8	41.8	34.3	32.7	33.1	28.5	23.4	58.8	
	RT		0.5										
	D [dB]		51.6	43.4	52.6	52.9	61.9	57.5	54.2	54.2	49.9	47.5	
	Dnt [dB]		51.6	43.4	52.6	52.9	61.9	57.5	54.2	54.2	49.9	47.5	
1429	1	Balcony - Roof Hatch	63.8	67.49	60.72	49.81	45.43	39.83	37.76	32.29	29.94	69.7	
	2		63.84	68.53	60.44	50.14	45.09	40.01	38.1	32.72	30.42	70.3	
	3		63.61	67.23	60.42	49.74	45.65	39.74	38.04	32.31	29.78	69.5	
	Average		63.8	67.8	60.5	49.9	45.4	39.9	38.0	32.4	30.0	69.8	
	RT		0.5										
	D [dB]		36.1	33.5	39.9	44.8	50.8	50.3	49.3	50.3	43.2	36.5	
	Dnt [dB]		36.1	33.5	39.9	44.8	50.8	50.3	49.3	50.3	43.2	36.5	
1430	1	Downstairs - Centre room	53.78	58.64	49.62	40.54	29.2	24.87	22.1	21.45	22.65	60.3	
	2		53.03	58.34	49.76	40.48	28.99	24.71	21.94	21.12	22.48	60.0	
	3		53.97	59.1	49.82	40.47	29	25.1	22.16	21.5	22.8	60.7	
	Average		53.6	58.7	49.7	40.5	29.1	24.9	22.1	21.4	22.6	60.3	
	RT		2.1										
	D [dB]		46.3	42.6	50.7	54.2	67.1	65.3	65.2	61.3	50.6	46.0	
	Dnt [dB]		52.5	48.8	56.9	60.5	73.3	71.5	71.4	67.6	56.9	52.2	
1431	1	Stairway door	63.56	66.82	56.7	52.16	48.61	48.88	46.69	38.96	30.9	69.0	
	2		60.78	64.27	53.55	49.21	45.28	45.86	43.47	35.76	28.38	66.3	
	3		60.79	65.59	53.93	49.51	45.2	45.63	43.51	35.67	28.93	67.2	
	Average		61.7	65.6	54.7	50.3	46.4	46.8	44.6	36.8	29.4	67.5	
	RT		2.1										
	D [dB]		38.2	35.7	45.7	44.4	49.8	43.4	42.7	45.9	43.9	38.8	
	Dnt [dB]		44.4	41.9	51.9	50.7	56.0	49.6	49.0	52.1	50.1	45.1	

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Recording No	Sample	Location	SPL [dB] for the different octave bands									Overall SPL [dB]	
			63	125	250	500	1000	2000	4000	8000	16000		
1432	BG	20m away on the ground	62.92	55.59	48.64	43.79	45.54	42.01	30.37	27.18	27.21	63.9	
	1		64.39	64.82	56.54	51.46	46.19	42.36	35.52	31.26	29.81	68.1	
	2		63.34	67.98	52.75	53.39	46.16	41.24	35.24	31.96	30.9	69.5	
	3		60.91	59.68	58.3	51.92	49.63	43.11	36.76	34	33.02	64.9	
	Average		62.9	64.2	55.9	52.3	47.3	42.2	35.8	32.4	31.2	67.1	
	Correct		n/a	63.5	55.0	51.6	42.6	29.3	34.4	30.9	29.1	64.4	
	RT		0.5										
	D [dB]		n/a	37.7	45.4	43.1	53.5	60.9	52.9	51.8	44.2	42.0	42.0
	Dnt [dB]		n/a	37.7	45.4	43.1	53.5	60.9	52.9	51.8	44.2	42.0	42.0
1433	BG	Outside - Rear	57.22	52.99	53.26	55.91	54.33	48.86	41.32	33.3	28.23	62.3	
	1		62.35	71.51	61.31	57.05	46.1	40.56	36.63	32.47	32.38	72.5	
	2		60.92	70.85	61.87	56.66	45.44	40.24	36.49	31.74	31.89	71.9	
	3		61.46	71.47	61.86	59.72	54.71	49.73	42.85	35.73	33.36	72.6	
	Average		61.6	71.3	61.7	57.8	48.8	43.5	38.7	33.3	32.5	72.3	
	Correct		59.6	71.2	61.0	53.3	52.9	47.4	37.9	8.2	30.5	72.0	
	RT		0.5										
	D [dB]		40.3	30.0	39.4	41.4	43.2	42.8	49.3	74.5	42.7	34.3	34.3
	Dnt [dB]		40.3	30.0	39.4	41.4	43.2	42.8	49.3	74.5	42.7	34.3	34.3
1435	BG	Outside - Front	56.89	50.91	44.9	44.38	47.31	41.84	33.73	26.45	24.05	58.7	
	1		62.84	73.6	62.03	53.43	50.38	46.85	42.93	38.19	34.36	74.3	
	2		62.04	72.5	62.63	53.16	49.01	46.16	42.25	37.87	33.65	73.3	
	3		62.39	72.56	62.82	54.73	49.82	46.91	42.56	38.08	34.63	73.5	
	Average		62.4	72.9	62.5	53.8	49.7	46.6	42.6	38.0	34.2	73.7	
	Correct		61.0	72.9	62.4	53.2	46.1	44.9	42.0	37.7	33.8	73.5	
	RT		0.5										
	D [dB]		38.9	28.4	38.0	41.5	50.1	45.3	45.3	45.0	39.5	32.8	32.8
	Dnt [dB]		38.9	28.4	38.0	41.5	50.1	45.3	45.3	45.0	39.5	32.8	32.8
1436	BG	Outside - Side away from complainant	69.62	54.52	50.19	43.79	45.89	41.53	32.33	22.77	19.9	69.8	
	1		61.46	62.1	58.7	46.46	47.92	42.74	34.02	25.06	20.05	65.9	
	2		63.12	62.63	58.93	46.41	46.96	41.73	33.84	26.31	20.61	66.8	
	3		61.46	71.47	61.86	59.72	54.71	49.73	42.85	35.73	33.36	72.6	
	Average		62.0	65.4	59.8	50.9	49.9	44.7	36.9	29.0	24.7	68.0	
	Correct		n/a	65.0	59.3	49.9	47.6	41.9	35.0	27.9	22.9	66.3	
	RT		0.5										
	D [dB]		n/a	36.2	41.1	44.8	48.5	48.3	52.2	54.8	50.4	40.1	40.1
	Dnt [dB]		n/a	36.2	41.1	44.8	48.5	48.3	52.2	54.8	50.4	40.1	40.1

1432
 1433
 1435
 1436

Table 2 : Results of Noise Survey, Ground Floor

Recording No	Sample	Location	SPL [dB] for the different octave bands									Overall SPL [dB]
			63	125	250	500	1000	2000	4000	8000	16000	
1438 - Source	1	Front of downstairs room	90.87	101.54	101	98.1	97.45	96	96.04	90.84	83.01	106.9
	2		91.72	102.85	100.95	98.72	97.56	95.73	96.31	90.84	83.06	107.5
	3		91.84	103.12	101.18	98.65	97.66	95.78	96.45	90.79	83.13	107.6
	Average		91.5	102.5	101.0	98.5	97.6	95.8	96.3	90.8	83.1	107.3
	RT		1.9									
1439	1	Middle of downstairs room	87.31	95.67	95.26	97.25	93.67	91.24	90.73	86.77	80.23	102.6
	2		84.63	94.17	92.6	94.21	90.64	88.05	87.85	83.8	77.34	100.0
	3		88.95	99.95	98.29	95.67	94.56	92.92	93.19	87.85	80.15	104.6
	Average		87.0	96.6	95.4	95.7	93.0	90.7	90.6	86.1	79.2	102.3
	RT		1.9									
	D [dB]		4.5	5.9	5.7	2.8	4.6	5.1	5.7	4.7	3.8	5.0
	Dnt [dB]		10.3	11.7	11.5	8.6	10.4	10.9	11.5	10.5	9.6	10.8
1440	1	Back of downstairs room	86.46	90.65	94.57	93.48	93.09	89.46	88.16	84.86	75.34	100.3
	2		85.48	91	94.78	93.3	93.18	89.74	88.27	85.16	75.81	100.3
	3		82.97	88.73	92.11	90.16	89.69	86.54	85.26	82.13	72.37	97.4
	Average		85.0	90.1	93.8	92.3	92.0	88.6	87.2	84.1	74.5	99.3
	RT		2.4									
	D [dB]		8.5	13.8	8.9	8.3	7.9	9.3	11.0	8.7	10.7	8.0
	Dnt [dB]		15.3	20.6	15.7	15.1	14.7	16.1	17.8	15.5	17.5	14.8
1441	1	Back of upstairs room	71.83	78.43	67.63	55.81	52.78	48.79	44.82	39.98	39.89	79.6
	2		71.14	76.79	67.56	56.06	52.69	48.97	44.85	39.52	39.08	78.3
	3		69.16	75.89	65.25	53.12	49.91	46.21	42.42	37.98	38.1	77.1
	Average		70.7	77.0	66.8	55.0	51.8	48.0	44.0	39.2	39.0	78.3
	RT		2.2									
	D [dB]		20.8	25.5	34.2	43.5	45.8	47.8	52.2	51.7	44.0	29.0
	Dnt [dB]		27.2	31.9	40.7	49.9	52.2	54.3	58.7	58.1	50.5	35.5
1442	1	Middle of upstairs room	67.37	75.53	68.74	54.63	46.78	40.95	37.9	36.6	38.2	76.9
	2		64.11	72.67	64.7	51.05	43.73	38.74	35.53	34.75	36.4	73.8
	3		63.99	72.87	65.34	51.27	44.11	38.74	35.66	34.81	36.47	74.1
	Average		65.2	73.7	66.3	52.3	44.9	39.5	36.4	35.4	37.0	74.9
	RT		1.5									
	D [dB]		26.3	28.8	34.8	46.2	52.7	56.4	59.9	55.4	46.0	32.4
	Dnt [dB]		31.1	33.6	39.6	50.9	57.5	61.1	64.7	60.2	50.8	37.2
1443	1	Outside door 1	78.09	82.78	77.3	70.89	66.31	63.47	61.94	54.47	45.97	85.2
	2		76	80.92	75.15	68.33	63.96	60.91	59.16	51.83	44.25	83.2
	3		74.91	80.52	74.68	67.92	63.28	60.51	58.74	51.9	43.64	82.6
	Average		76.3	81.4	75.7	69.0	64.5	61.6	59.9	52.7	44.6	83.7
	RT		0.5									
	D [dB]		16.6	22.0	26.4	30.6	34.3	35.3	37.5	38.9	39.4	23.7
	Dnt [dB]		16.6	22.0	26.4	30.6	34.3	35.3	37.5	38.9	39.4	23.7



Recording No	Sample	Location	SPL [dB] for the different octave bands									Overall SPL [dB]
			63	125	250	500	1000	2000	4000	8000	16000	
1444	1	Outside window 1	76.14	84.7	77.78	70.48	64.75	60.07	56.64	49.95	47.24	86.1
	2		74.77	83.53	75.27	67.95	61.99	57.23	53.94	47.64	45.51	84.7
	3		74.63	83.54	75.17	67.48	61.38	57.05	53.71	47.73	45.46	84.7
	Average		75.2	83.9	76.1	68.6	62.7	58.1	54.8	48.4	46.1	85.2
	RT		0.5									
	D [dB]		16.8	19.0	25.9	31.0	36.2	38.8	42.6	43.1	37.6	22.1
	Dnt [dB]		16.8	19.0	25.9	31.0	36.2	38.8	42.6	43.1	37.6	22.1
1446	1	Outside vent	79.19	87.45	80.89	72.06	66.05	64.12	61.17	53.87	50.17	89.0
	2		78.32	86.9	80.94	72.1	66.46	64.09	60.84	53.69	49.81	88.5
	3		76.4	85.88	78.3	69.13	63.16	61.28	57.76	51.19	48.11	87.1
	Average		78.0	86.7	80.0	71.1	65.2	63.2	59.9	52.9	49.4	88.2
	RT		0.5									
	D [dB]		15.1	16.6	22.7	29.4	34.4	34.6	38.5	39.6	35.0	19.2
	Dnt [dB]		15.1	16.6	22.7	29.4	34.4	34.6	38.5	39.6	35.0	19.2
1447	1	Outside window 2	77.71	83.89	78.82	70.55	64.02	62	57.94	50.92	46.78	86.0
	2		77.18	83.18	77.78	70.87	64.9	62.08	57.95	50.81	46.26	85.3
	3		76.62	82.96	78.71	70.88	64.27	62.2	57.68	50.49	46.41	85.3
	Average		77.2	83.3	78.4	70.8	64.4	62.1	57.9	50.7	46.5	85.5
	RT		0.5									
	D [dB]		14.9	19.5	22.3	27.6	33.3	33.6	38.6	40.3	36.7	21.8
	Dnt [dB]		14.9	19.5	22.3	27.6	33.3	33.6	38.6	40.3	36.7	21.8
1448	1	Outside door 2	72.7	83.14	78.33	74.15	69.83	71.52	67.24	62.17	52.1	85.4
	2		70.74	79.93	75.67	71.45	66.64	67.99	64.09	59.21	49.06	82.4
	3		72.57	82.56	78.02	74.21	69.81	71.01	67.36	62.31	51.9	85.0
	Average		72.0	81.9	77.3	73.3	68.8	70.2	66.2	61.2	51.0	84.3
	RT		0.5									
	D [dB]		18.9	19.9	23.0	24.3	27.7	24.8	28.9	28.5	31.2	23.0
	Dnt [dB]		18.9	19.9	23.0	24.3	27.7	24.8	28.9	28.5	31.2	23.0
1449	BG	20m away	51.67	42.77	44.18	40.67	42.65	37.45	28.64	24.67	26.71	53.6
	1		61.27	64.21	52.83	48.1	48.59	44.71	40.54	35.48	32.21	66.4
	2		57.75	62.62	51.01	46.16	46.09	43.21	39.18	36.02	29.57	64.3
	3		64.18	65.53	54.19	47.43	47.84	44.82	40.26	35.12	30.62	68.2
	Average		61.1	64.1	52.7	47.2	47.5	44.2	40.0	35.5	30.8	66.2
	Correct		60.5	64.1	52.0	46.1	45.8	43.2	39.7	35.2	28.7	66.0
	RT		0.5									
	D [dB]		30.4	38.4	48.4	51.3	50.1	51.6	56.3	55.3	52.3	41.4
	Dnt [dB]		30.4	38.4	48.4	51.3	50.1	51.6	56.3	55.3	52.3	41.4

1000



Recording No	Sample	Location	SPL [dB] for the different octave bands									Overall SPL [dB]
			63	125	250	500	1000	2000	4000	8000	16000	
1450	BG	Outside - Front	59.4	55.13	45.8	42.67	45.97	40.75	33.05	32.69	34.8	61.2
	1		70.42	72.87	70.93	67.25	59.84	58.46	55.01	48.51	41.21	77.0
	2		71.08	72.95	70.86	66.91	60.51	58.29	55.27	48.34	41.19	77.1
	3		67.95	70.62	68.38	63.83	57.27	55.67	52.31	45.71	39.29	74.5
	Average		69.8	72.1	70.1	66.0	59.2	57.5	54.2	47.5	40.6	76.2
	Correct		69.4	72.1	70.0	66.0	59.0	57.4	54.2	47.4	39.2	76.1
	RT		0.5									
	D [dB]		21.7	30.4	31.0	32.5	38.4	38.4	42.1	43.3	42.5	31.3
	Dnt [dB]		21.7	30.4	31.0	32.5	38.4	38.4	42.1	43.3	42.5	31.3
1451	BG	Outside - Side away from complainant	58.76	42.52	43.08	38.59	42.25	38.6	31.36	31.57	34.27	59.2
	1		59.67	58.32	52.25	45.56	44.04	40.61	34.43	32.87	34.23	62.7
	2		61.89	60.36	50.7	45.96	42.59	42.06	34.6	32.67	34	64.5
	3		56.76	62.84	46.5	45.85	42.51	39.32	33.39	33.02	34.39	64.0
	Average		59.4	60.5	49.8	45.8	43.0	40.7	34.1	32.9	34.2	63.4
	Correct		51.1	60.4	48.8	44.9	35.3	36.4	30.9	26.9	15.9	61.3
	RT		0.5									
	D [dB]		32.0	42.0	51.2	52.7	54.5	55.2	62.1	58.0	48.9	46.0
	Dnt [dB]		32.0	42.0	51.2	52.7	54.5	55.2	62.1	58.0	48.9	46.0
1452	BG	Outside - Back	56.96	57.57	52.98	51.18	47.52	45.7	40.56	35.2	34.49	61.8
	1		63.11	65.52	61.65	61.06	58.04	54.66	49.47	42.79	35.89	69.7
	2		63.28	65.62	61.1	60.89	57.98	54.68	49.52	42.76	36.04	69.7
	3		63.27	64.32	62.29	60.7	57.62	54.57	49.33	42.72	35.76	69.4
	Average		63.2	65.2	61.7	60.9	57.9	54.6	49.4	42.8	35.9	69.6
	Correct		62.0	64.3	61.1	60.4	57.5	54.0	48.8	41.9	30.3	68.8
	RT		0.5									
	D [dB]		28.3	37.4	39.4	37.6	39.7	41.2	46.8	48.1	47.2	38.5
	Dnt [dB]		28.3	37.4	39.4	37.6	39.7	41.2	46.8	48.1	47.2	38.5
1453	1	Outside - Side to complainant	73.81	78.26	67.12	58.72	48.79	43.52	40.39	38.65	40.14	79.9
	2		72.92	77.2	66.63	58.76	49.05	43.74	40.23	38.13	39.56	78.9
	3		69.84	75.75	65.39	59.17	47.43	43.95	40.02	37.03	38.29	77.1
	Average		72.2	77.1	66.4	58.9	48.4	43.7	40.2	37.9	39.3	78.6
	RT		0.5									
	D [dB]		21.6	26.8	35.7	39.3	50.1	51.9	56.2	53.8	44.8	28.7
	Dnt [dB]		21.6	26.8	35.7	39.3	50.1	51.9	56.2	53.8	44.8	28.7

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AS EXHIBIT NUMBER: 02 SIGNED: _____

Richard Francis

11 December 2012

Brian Scrine (Chairman of
Trowbridge Cricket Club)
The County Ground
Lower Court
Trowbridge
Wiltshire
BA14 8PX

Public Protection Services
Environmental Protection Team
Wiltshire Council
Monkton Park
Chippenham
Wiltshire
SN15 1ER

Our ref: 12/02470/LICONP/RF/lw4.12

Dear Mr Scrine

Licensing Act 2003

Thank you for your letter of 3 December 2012, received 7 December 2012.

Please see enclosed the full report with schedule of works and a further recommendation for an additional noise survey to be undertaken.

I request that you reconsider allowing the Council access for the additional noise survey to be undertaken, whilst a live band is playing on the first floor, as requested in my letter of 22 November 2012. This additional work would allow for all the sound transmission paths to be identified during a live music performance and could mean that the recommendation to the Licensing Sub-Committee could be amended, if we are able to identify a schedule of works that would satisfactorily address the noise breakout affecting the surrounding neighbours.

With regards to your statements on page 2 I can categorically state that the cricket club are not being victimised. I would remind you that these allocations were fully investigated through the corporate complaints procedure in April 2011 and, in any event, are irrelevant to this review.

As I stated in my letter I am willing to meet with the Cricket Club to discuss this matter prior to a hearing and I hope that you will allow the completion of the noise assessment.

Yours sincerely

Richard Francis
Senior Environmental Health Officer
Tel. 01249 706309
Fax. 01249 444650
Email: richard.francis@wiltshire.gov.uk

enc noise report

cc Christine Davies 132 Wyke Road Hilperton Wiltshire BA14 7NT

Jan 6 2011	LICENCE GRANTED WITH CONDITIONS
Date:	15 January 2011
Start:	9
Finish:	11.30
Type Music:	Live Band
Date:	22 January 2011
Start:	9
Finish:	11.35
Type Music:	Live Band
Date:	12 March 2011
Start:	9pm
Finish:	11.37pm
Type Music:	Live Band
Date:	30 April 2011
Start:	
Finish:	
Type Music:	Live Band
Date:	4 May 2011
	NOISE LIMITER FITTED AND AGREED LEVEL SET
Start:	21.45
Finish:	22.00
Type Music:	Recorder music
Effect:	Level agreed satisfactory
Date:	7 May 2011
Start:	2030
Finish:	23.25
Type Music:	Live Band – Motley something I think
Date:	23 May, 2011 Email from Graham Steady to Martin Aldam. <i>I met with Mr Scrine, the Club Chair and Mr Poplett, the Vice Chair, this morning to make it clear what I expected in terms of compliance. In that meeting I reminded the club of the existence of the statutory nuisance notice and the wording of the specific noise limiter condition. I explained that by-passing the limiter would be regarded as a serious breach of condition. I also emphasised that the judgement in setting the levels was that of the professional officers. In response, the club reported that the level set in the club was too low to allow music events to function satisfactorily. Strangely enough, the advice given to the club at the outset</i>

	<i>of the investigation some eighteen months ago was that because of the light-weight structure of the building, live music might not be a practical proposition.</i>
Date	June 2011 REVIEW NOISE LIMITER SETTINGS
Date:	5.11.11
Start:	
Finish:	
Type Music:	Blues band -
Date:	11.2.2012
Start:	9pm
Finish:	11.30
Type Music:	Live band
Date:	5.05.2012
Start:	9pm
Finish:	11.35
Type Music:	Live Band -
Date:	16.6.2012
Start:	9PM
Finish:	11.30PM
Type Music:	Live Band -
Date:	23.6.2012
Start:	9.30
Finish:	11.30
Type Music:	Live Band -
Date:	14.7.2012
Start:	9am scheduled
Finish:	Noise noticed post 22.30 to 23.30
Type Music:	Live Music
Date:	28.7.2012
Start:	Scheduled for 21.00
Finish:	
Type Music:	Live Band
Date:	4.8.12
Start:	9am
Finish:	11.30pm
Type Music:	Live band
Date:	25.8.2012

Start:	Approx 9pm
Finish:	Approx 10pm
Type Music:	Live band
Date:	13.10.12
Start:	9.15pm
Finish:	11.40pm
Type Music:	Live Band – playing various well known covers.
Date:	14.10.12
Start:	Aprox 10am
Finish:	Approx 10.10am
	<p>On behalf of the club, one of our neighbours asked if we would like to meet the owner to discuss the problems and if they could offer us a bottle of wine or something to make things better. The representative stated that the owner doesn't think the noise limiter is fair and live music cannot be played through it so they don't use it. It was made clear that the live music events were going to continue.</p> <p>Martin Aldam declined the offer of a meeting and suggested that the cricket club write instead. The representative went on to say that they have a licence until 2.30am for the downstairs so we ought to think about the offer carefully. M Aldam replied to this by noting that it would only be a problem if the music was causing a nuisance. And reiterated that we did not want to meet the cricket club owner and that they ought to write to us in future.</p>
Date:	10.11.12
Start:	9PM
Finish:	11.30PM
Type Music:	Live band
	<p>22.11.12</p> <p>REVIEW NOTICE SERVED</p>
Date:	1.11.12
Start:	unsure
Finish:	11.30PM
Type Music:	Disco

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Public Protection Services

MEMORANDUM

To: Mrs Kate Golledge

From: Linda Holland Senior Licensing Officer

Ref: Trowbridge Cricket Club

Date: 17th December 2012

Subject: Review Application - Representation Trowbridge Cricket Club

Licensing Act 2003

I am writing to inform you that the Licensing Authority is making a representation in support of the above review application.

The Trowbridge Cricket Club premises licence holder has not demonstrated their ability to manage the premises in a sufficient manner to enable the licensing objective The prevention of Public Nuisance to be promoted.

On several occasions public nuisance has been witnessed by Council Officers whilst live music was been played at the premises.

The noise limiter in place to control the break out of noise from the premises seems to be ineffective.

The noise monitoring carried out by the premise licence holder does not address obvious noise break out, on two occasion Mrs Davis has confirmed that there is no contact made between the person carrying out the monitoring and the premises during the time the music is being played, records are available a number of days later. Hence no steps are taking during live performances to control the noise levels emanating from the building. Thus leading to the existence of public nuisance.

The Licensing Officer has had to remind the Premises Licence Holder to comply with their licence conditions in relation to noise monitoring and use of the noise limiter.

The Licensing Authority has no confidence in the management of the premises seeking to address these issues without the imposition of further conditions or removal of amplified music from the premises licence.

Linda Holland
Senior Licensing Officer
Tel. 01249 706410
Email: linda.holland@wiltshire.gov.uk

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REPRESENTATION FORM

This form must be returned within the statutory period, which is 28 days from the date the notice was displayed on the premises or the date specified in the Public Notice in the newspaper. Please contact the Licensing Section to confirm this date.

Any individual, body or business can make a Representation to the Licensing Authority in relation to an application, regardless of their geographic proximity to the premises. Any Representation must be relevant, in that the Representation relates to one or more of the Licensing Objectives.

Premises about which Representation is being made	TROWBRIDGE CRICKET CLUB
Your Name	TRACY GATES
Postal Address	23 DOWNHAYES RD TROWBRIDGE BA14 8QQ
Contact Telephone Number	01225 763471
Are you: <ul style="list-style-type: none"> • An individual? <input checked="" type="checkbox"/> • A person who operates a business? <input type="checkbox"/> • A person representing residents or businesses? <input checked="" type="checkbox"/> • A member of the Relevant Licensing Authority (ie, elected Councillor of the Licensing Authority)? <input type="checkbox"/> 	
If you are representing residents or businesses who have asked you to represent them?	REPRESENTING MY FAMILY; 2 ADULTS + 3 CHILDREN (RESIDENTS OF NEIGHBOURING PROPERTY)

Your Representation must relate to one of the four Licensing Objectives, which are detailed below. Please detail the evidence supporting your Representation and the reason for your Representation. If necessary, separate sheets may be used.

OBJECTIVES	EVIDENCE
1. The prevention of harm to children	
2. To prevent public nuisance	* WRITTEN STATEMENT * LOG OF EVENTS * LETTER FROM CRICKET CLUB DATED 3.12.12

OBJECTIVES	EVIDENCE
3. To prevent crime and disorder	
4. Public Safety	

Please list below any suggested actions that you feel the applicant could take to address your concerns.

• SINCE LICENSING CONDITIONS WERE IMPOSED, THE APPLICANT HAS BEEN UNWILLING (UNABLE TO MEET THE CONDITIONS OF THE LICENSE. THEREFORE, AT THIS POINT, I FEEL THAT THERE IS NOTHING THEY COULD DO TO ADDRESS MY CONCERNS (OTHER THAN STOP HAVING LIVE MUSIC).

If a hearing needs to be held to determine the Premises Licence Application, the Councillors will generally only be able to consider matters that have previously been disclosed. However, additional information in support of your Representation may be considered if all parties at the Hearing agree. We advise that you detail all matters that you wish to be considered on this initial Representation, attaching additional sheets if necessary.

If you do make a Representation you will be invited to attend the Licensing Sub-Committee Hearings and any subsequent appeal proceedings relevant to your Representation.

All Representations in their entirety, including your name and address, will be disclosed to the Premises Licence applicant. A copy of Representations will be annexed to the Licensing Officer's hard copy report, which is a public document circulated to the Licensing Sub-Committee and to all those who have made relevant Representations.

Signature :

Date 15.12.12

Please return this form, along with any additional sheets, to the Licensing Officer at the Wiltshire Council Office covering the area in which the licensed premises are situated (see below):

- Chippenham:** Wiltshire Council, Monkton Park, Chippenham, Wiltshire, SN15 1ER
- Devizes:** Wiltshire Council, Browfort, Bath Road, Devizes, Wiltshire, SN10 2AT
- Salisbury:** Wiltshire Council, 27/29 Milford Street, Salisbury, SP1 2AP
- Trowbridge:** Wiltshire Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD

Background

This statement is given on behalf of myself and my family – my partner and our three young children. It outlines the nature of the noise nuisance we have suffered for the last three years, and goes on to try to explain the impact that this has had on our family. I'm not an expert, just a mother going through the appropriate channel, to protect my family's right to enjoy our home.

I would like to start by saying that we fully support the Cricket Club as a sporting venue. It provides a superb facility for the County Town and is great for our young people. We have no animosity towards the club. Our only issue is the noise nuisance our family has suffered for almost three years - since January 2010 – and the detrimental effect that this has had on our family life.

The nature of the noise nuisance and what has been tried so far

We bought our house in Downhayes Road in 2004 – a family home, not in the busy town centre but in a quiet, residential suburb. The house faces the cricket club and is approximately 50m away from the pavilion. There are no buildings between the pavilion and our house; the space between is set to garden and is currently part of the Shaw Trust garden centre. I believe that the pavilion is a wooden structure with very poor sound insulation properties. Consequently, the noise made in the pavilion carries to our house without any significant impediment. Noise from the Cricket Club started to become a problem in January 2010. Whilst the position of our house screens most of the noise from other properties on Downhayes Road, the noise does travel to properties on Palmer Road and Seymour Road which face onto the cricket field.

When the club has music events (live bands/discos) we can hear the music throughout the whole house. We can hear it particularly clearly (sometimes above our own music/tv) from our garden, dining room, kitchen and bedrooms. This is distracting and intrusive. The club's lack of regard for this problem is upsetting and worrying.

We first contacted the council in January 2010, and they agreed that, in their professional opinion, the noise constituted a public nuisance. They gathered unequivocal evidence and a noise abatement order was served (May 2010). We were informed by Environmental Health Officers that the cricket club's pavilion structure was acoustically unsuitable for live music events. Notwithstanding this view, they agreed a way forward with the Cricket Club - offering a way to continue with music events, but lessen their impact – i.e. a noise limiter.

At the Western Area Licensing Sub Committee (6th January 2011) Mr Colin Poplett (representing Trowbridge Cricket Club) actually accepted that the club had been the cause of noise nuisance. Conditions were subsequently put in place by the licensing committee (January 2011), to minimise the negative impact on neighbours – see

below. We were hopeful that this would be successful. Sadly, the Cricket Club did not adhere to their conditions, and a further two years later we are still suffering.

The club's licence (since Jan 2011) includes the following conditions, which they have breached as described:

- A noise limiting device to be fitted on the first floor and **all live music on this floor to be played through this** – *this doesn't appear to be being used at all – a clear breach of their conditions.*

For example, only three days after setting the noise limiter, the Cricket Club held a music event and we suffered noise nuisance – see below for details of what this was like. I understand from EHOs that the club chose not to use the limiter in full knowledge of the impact this would have on my family and other residents.

From that date to this, the club have continued to hold music events and frequently not used the noise limiter – many breaches of the condition. For resourcing reasons, many, but not all of these breaches have been witnessed by the council. In October 2012 the Cricket Club asked one of their members to come to our home, to speak to us about the situation. She explained that the noise limiter isn't practical to use and offered us a gift such as a bottle of wine, to make things better. I believe that if the club cannot work within the conditions of the licence, they should discuss it with the licensing committee, not with us. And they shouldn't wait two years before raising it as an issue

- The noise limiter to be connected to the mains supply and **prior to any live music** the limiter to be set at a level agreed with officers from the Environmental Protection Department of Wiltshire Council - *The noise limiter wasn't set until May 2011; during the time between the licensing committee and the setting of the equipment, the club continued to hold live music events in full knowledge of the impact they would have. In fact at least four live performances took place before the limiter was set, on the following dates: 15th and 22nd January, 12th March and 30th April 2011 – another 4 breaches of their conditions.*
- **This level is not to be altered and once agreed, access to the limiter to be restricted to senior members of staff only for resetting purposes** *The Cricket Club requested that the noise limiter setting should be reviewed so that their music could be louder. The council agreed to this and we fully co-operated, putting up with another evening of intrusion while the noise limiter settings were reviewed. It is my understanding from correspondence with EHO that the noise limiter settings were not changed as a result of the review as they were proven to already be reasonable*
- The applicant to submit a noise management plan... **to include a suitable monitoring regime when live music is being played on the first floor, including..... documentary evidence that monitoring is being carried out** – *a representative from the club does sometimes come to our street whilst music is playing. Rather than 'self-monitoring' and then going back to the club to lower the volume however, he takes the opportunity to berate us to our*

*neighbours further along the street – the club seem unwilling/unable to ‘self-monitor’ effectively, although it’s a condition of their licence.**

The impact on our family

I have outlined above the background to this case, and how I feel the club have failed to meet the conditions of their license and also breached the noise abatement order issued against them. I will now try to describe the negative effect of all this on my family, and what we have suffered as a direct consequence of the noise nuisance over a period of three years.

My children and I are often disturbed, woken, or prevented from going to sleep by the sound of the music coming from the cricket pavilion. The disturbance becomes even louder each time someone opens the doors to the balcony. This is a frequent occurrence, especially in the summer. This in turn creates more noise, whereby people are chatting/drinking/smoking outside. On some occasions as the evening gets later and people consume more alcohol, the talking becomes shouting, singing and general drunken behaviour. However, this pales into insignificance compared to the impact of the music – therefore we have not complained about it – we are not unreasonable.

My partner in particular, is suffering from stress and anxiety every weekend whether we know about a planned event or not – the lack of use of the noise limiter means that we never know whether we will be able to get a good night’s sleep or when the children will be disturbed. We both work, and we have young children. All of us should be able to go to sleep at an appropriate bedtime - without being disturbed.

When the music is loud, (as it has been on numerous occasions) we cannot sleep. We can clearly hear the beat, the tune, the words and even the introductions over the PA. We lay awake, forced to listen to the music from our bed. We have to close the windows, even in the summer, and even through double glazed windows we can hear the music clearly - word for word - so we have to use earplugs. This is unacceptable, as it means that we cannot hear the children if they need us. Whenever possible we have deliberately gone away for the weekend, when we have known that live music events were planned. We shouldn’t have to do this because the license conditions should protect us.

The process of gathering evidence has itself had a negative impact. We have approached the issue in a responsible way, through our local council. We have followed their guidance and procedures. This has meant that we’ve had strangers (sometimes three at a time) in our home, particularly our bedroom, on countless occasions over several years, until the late hours of Saturday night. We’ve often had recording equipment in our room for an entire weekend. I and the children have found this particularly upsetting and an invasion of our privacy. It appears to be a necessary part of this process – but, for me, it’s been nearly as upsetting as the noise itself.

On the 4th May 2011, for example, the noise limiter was eventually set - at a level which had to be agreed with the cricket club. On this occasion, we had an entire evening of intrusion – with several EHOs in our bedroom setting the limiter. When it

was reviewed at a later date at the club's request, we had another whole evening of intrusion by officers in our home. We accepted both of these evenings in the hope that it would resolve the problems and bring about a workable solution. My partner was in the bedroom when it was set. At the agreed level, he could still hear the music, but agreed that it was a reasonable compromise, as the noise level was not too intrusive. Sadly it didn't turn out to be a workable solution - because (as evidenced above), the Cricket Club chose not to use the limiter at all.

The noise and the prolonged process of gathering evidence, have both contributed to my family's stress and anxiety over the last three years. We have received an apology from the council for the length of time this process has taken. In October 2012 we received the offer of 'a bottle of wine, or something' from the club. But, to date, the situation remains unaltered. Even after a noise abatement order was served, the club have continued to ignore the conditions of their licence and have frequently caused noise disturbance. They know about the problem, but appear to have made no attempt to stop it. Knowing that the limiter was impractical, they have neither stopped the events, nor made any adjustments to the fabric of the building, despite major refurbishments to other areas of the club. This demonstrates the club's priorities and their lack of interest in the problem.

We have even contemplated moving house and uprooting our family to avoid the continuing problem. My partner is now so unhappy that he wants to do this. But I don't feel that we should have to – and this, in itself, is a cause of friction between us and a direct result of the Cricket Club's failure to adhere to their conditions.

We feel that, as residents, we have the right to the peaceful enjoyment of our property .(I believe that this is stated in Wiltshire Council's Statement of Licensing.) For almost three years our neighbours (the Cricket Club) have been knowingly causing us harm and undermining this right. My family and I respect our neighbours and allow them to enjoy their property in peace - we would hope to be offered the same courtesy. This has not been the case for the last three years. In summary:

- The club's music caused a noise nuisance
- To safeguard residents the committee applied conditions to their licence
- As shown, the club doesn't stick to these conditions
- Therefore local residents have not been protected, as intended by this committee
- The club continues to cause a noise nuisance to this day
- Something else needs to be done to stop the public nuisance

I would respectfully ask that this licensing committee use their given powers on our behalf, to protect my family from this persistent nuisance so that we can go back to enjoying our home. I believe that this will necessitate removing the club's live and recorded music licence – since they have been unable to self-regulate and have proved over and over again that they are not willing to adhere to their current licence conditions.

*Furthermore, since writing this statement the club have continued to prove their inability to self-monitor and, in my view, their unsuitability to be responsible license holders. Mr Poplett sent what I would describe as a malicious letter to our neighbours (dated 3.12.12) in which he personally insulted us and called us liars, on three counts. All three of these points are untrue – and all are a matter of public record. We find this to be a bullying tactic and a completely inappropriate response to this review process.

It is also an inappropriate way to canvas opinion. He asks recipients to reply, even if they have heard the music. He states ‘we like to be fair at the cricket club and would never knowingly do anything against your wishes.’ Yet the letter demonstrates that their response to the people who have so far been brave enough to complain, is to berate them publically. As a consultation process, it is clearly flawed (questions are leading and there is no way of knowing that the data has been objectively collated. Who received a copy? How do we know that any answers submitted are genuinely from neighbours? Have all the responses been included?). The club plan to use any supportive replies as evidence at this review. In our view, they should clearly not be considered.

In front of this committee in 2011, Mr Poplett appeared to be concerned about the noise nuisance and to accept responsibility for it (as stated above, see paragraph 6 above). In his letter (paragraphs 2 and 6) however, he denies any actual noise nuisance, stating that the club are simply ‘having problems with one individual’ – he doesn’t believe there is a problem and finds our complaints ‘quite incredible’. If he doesn’t believe there is a noise problem, there is no chance that he is ever going to comply with conditions which aim to reduce it. This reaffirms our view that they are, and will continue to be, unable to self-regulate. The live music element of their licence should therefore be removed.

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TROWBRIDGE CRICKET CLUB

3RD December 2012

Dear Neighbour,

Re- Blue Notices on nearby lampposts.

I am writing to you to tell you just why the above notices have appeared on telegraph poles/lamp posts etc. If they are not there now they will be shortly.

You will recall a little over twelve months ago that the cricket club was having problems with one individual who lives at the very end of Downhayes Road (that's the far end of Palmer garden centre) and some 100 yards away from the club. You will probably also recall that this was gentleman who knocked on your doors informing you that the cricket club had applied for a licence to play LIVE music every night and up to 2.00am in the morning. Leaving you a document set more fiction than fact.

This of course was never true; we only ever applied for a licence to play LIVE music upstairs in the main club room, TWO nights per month from around 9.00pm to 11.30pm.

When we proved in front of the licensing committee that this individual had lied to the committee and also misled YOU. We were granted the licence for the two night as stated.

Well since that time, he has complained to the council on a number of occasions stating, "He can't get to sleep for the noise nuisance caused by the live music". They are bound by law to act, hence the blue notices.

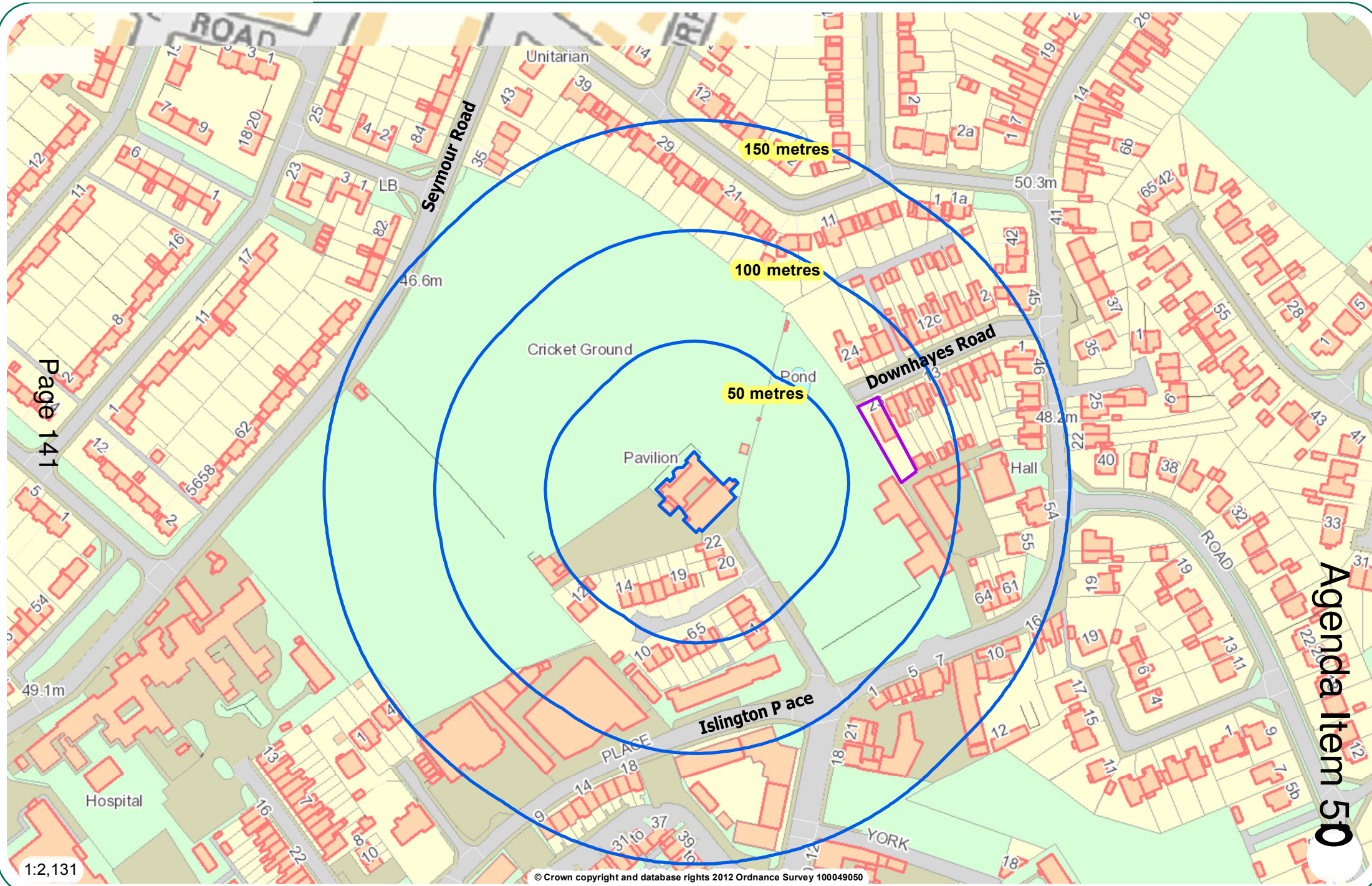
Bearing in mind he lives **nearly one hundred yards away**, and that any sound generated has to pass through the club walls and roof, travel through a stand of trees in Palmer gardens, and mature trees between the gardens and his house. We find this quite incredible. (How near do you live?)

The purpose of this letter therefore is to ask for your assistance by asking you to complete a very straight forward questionnaire as attached.

It consists one very easy question, and we will be handing them to the licensing committee of Wiltshire at our hearing. So if you are in anyway embarrassed then please do not return it.

On the other hand we would be grateful if you would complete it EVEN if you too object. WE like to be fair at the cricket club, and would never knowingly do anything against your wishes. The revenue these two nights a month bring in helps to keep the club afloat in these difficult times.

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