

M Aldam

RE: LICENSE APPLICATION – TROWBRIDGE CRICKET CLUB

I live in the vicinity of the premises and object to the application because I think the proposals will be detrimental to the public good. The application does not promote the following 3 licensing objectives.

- The prevention of public nuisance
- The prevention of crime and disorder
- Public safety.

The application is such that it will increase the cliental volume, change the demographic, and extend the operating hours of the club which will intensify its use. This will have severe repercussions for residents' well being, as the exposure to public nuisance, anti social behaviour, criminal damage, and potential violent crime will increase as a direct result of this application.

Public Nuisance – Existing Noise Abatement Order.

Since January 2010 the Cricket Club have held live music events on the first floor of the club which have started at 9pm and finished between 2300 and 0000 hours. The levels of noise have been assessed by Environmental Health officers at Wiltshire Council. The council served the Cricket Club with a **noise abatement order on 13th May 2010 because the current noise levels are a public nuisance.**

From May 2010 (six months ago), the Cricket Club have been perfectly aware of the public nuisance they are causing from live music events. One may have thought that over the last six months the Cricket Club would have taken some positive action to mitigate the impact of these events. In actual fact they have breached the noise abatement order on **three** occasions and this was evidenced by the council on :14th August 2010; 23rd November 2010; 6th November 2010. There have been two other occasions when I believe excessive noise was being generated by the Cricket. However, Environmental Health Officers were unable to witness these events due to pressures of workloads.

Consequently, **the noise abatement order remains in force.**

I have enclosed witness statements that I prepared for a magistrate's hearing when the Cricket Club were minded to appeal the council's decision. In actual fact no appeal took place. These statements are enclosed as an appendix to this letter and set out the frequency of events and their impact on myself and my family.

The fact that there is a noise abatement order served on the Cricket Club clearly demonstrates that **the current situation is not acceptable. Clearly, licensing the premises to play music every night of the week, and until 0200 hours at the weekends would make it significantly worse.**

Any attempts by the Cricket Club to mitigate the negative impact caused by the live music over the last six months have failed. I believe six months is a reasonable amount of time for the Cricket Club to take positive action to mitigate their impact. This has not happened – therefore it seems to be a problem that cannot be resolved – possibly due to the fabric of the building. **Consequently, the application is contrary to the prevention of public nuisance. If allowed, it would only exacerbate the currently unacceptable situation by allowing the nuisance to take place until later in the evening.**

I note in the application that live music is to be restricted to twice per month on the first floor plus unspecified special events. It should be noted that the problems we have suffered started since the live music events have taken place on the first floor of the Cricket Club. I believe this is when the statutory public nuisance has occurred. I understand that on the 20th November a live music event took place on the ground floor of the Cricket Club under a Temporary Event Notice. In my opinion, when the music was on the ground floor there did not seem to be a significant noise problem on that occasion.

Public Nuisance – wording of the application

I do not believe that the monitoring processes laid out in the appendix to the application entitled 'Agreed Sound Levels/Monitoring /Actions' would be effective.

Points one and two relate to noise levels within the club but do not demonstrate that these levels will ensure that the noise abatement order is not breached for a fourth time!

Points 3 to 9 make little sense and consequently, are unlikely to mitigate any public nuisance.

I note in that the application includes exemptions for New Years Eve, and 'other special events'. 'Other events' is an ambiguous term and should not be allowed. This is because the interpretation can be far reaching and consequently could mean that live music could take place every weekend. The applicant should stipulate what constitutes a special event other than Christmas and New Years Eves.

I note the intention to have balcony doors closed. Whilst it is easy to say, this would be difficult to enforce, particularly on a hot summers evening or when a large crowd are present at an event. I suggest that the doors and windows be locked and air conditioning units be used to regulate internal temperature of the building.

Public Nuisance – likely to increase if license is granted

The only access to the club is via Lower Court. A public license will certainly lead to an unwelcome increase in vehicle movement along Lower Court – a quiet residential cul-de-sac - in the early hours of the morning from taxis and cars. No doubt taxis honking their horns will be a serious blight for me and other residents. The intensification of use in terms of public license and operating times are inconsistent with neighbouring residential properties. The application does nothing to address this type of public nuisance from occurring – only exacerbates its likelihood.

The pedestrian route for all clients will also be along Lower Court. The type of clientele will no doubt change as the license changes from members only and so will the number of clients and the times they will be arriving and leaving. I have no doubt that I, my family and other residents will be negatively affected by drunken, loud and antisocial behaviour as members of the public leave the premise in the small hours of the morning.

Public Safety

The premises are located in a residential area outside of the commercial boundary of Trowbridge as described in the council's Local Plan. Access to the premises is limited to a single point off the highway network for vehicles and pedestrians alike. Whilst there is a car park for the club, intensification of use will lead to pressure on car park capacity.

When this situation occurs and the car park is full, cars will inevitably park on the access road. There are no parking restrictions on Lower Court. This could result in access difficulties for emergency services when they are required to attend incidents at the club and could hinder emergency access to residential properties on Lower Court. This does not meet the public safety objective.

Crime and Disorder

The Cricket Club is located at the end of a cul-de-sac. Consequently, there is a significant detour on the route home for pedestrians living on the Seymour estate and other residential areas towards Canal Road. There is a significant risk of clients choosing to use inappropriate short cuts to get home through residents' back gardens to gain access to Palmer Road and over the Cricket Club's own fences to access Seymour Road. The club will have no influence over the behaviour of those leaving the club or the routes they choose to take. This occurrence will be a public nuisance and may lead to fences and property being damaged. It would be interesting to know if the Cricket Club have even considered this possibility, particularly as it is highly likely to negatively affect their own property.

There is also a significant risk of an increase in criminal damage to property, particularly to cars, along Lower Court from those leaving the club late at night. Again, in this respect the application does nothing to limit this from occurring. Residents along Lower Court have already experienced crime and disorder issues. I have spoken to many residents who are concerned that this

activity could increase and become more severe as the club operates longer hours and is open to the general public.

The inability of existing management at the club to mitigate impact on public nuisance, prevention of crime and disorder, and public safety

In early 2010 the Cricket Club management decided to hold live music events on the first floor. Surprisingly, they were unaware that they needed a license for this activity. This demonstrates the inadequacies of the management structure at the club.

Within a '*members only*' license environment, (as is the current situation), tests of these management shortcomings are probably few and far between. However, with a *public license* that allows anyone to drink, the challenges become for more major and inabilities to deal with this could lead to serious crime and disorder issues in the club itself and the route to and especially from it. Past experience indicates that the club management structure has neither the knowledge or experience to deal with the different and significant challenging issues that a full public license will bring coupled with the later opening hours – and consequently longer drinking times. This is an area of concern.

In addition, the club have had over 6 months to deal with the noise problems they are responsible for and have been unable to do so. But instead of stopping or adapting the offending elements of their business, they have chosen to continue and have breached the noise abatement order on three occasions. This clearly demonstrates the management's attitude towards managing their impact on the public good.

My proposals

Having made those points above, I would like to offer some suggestions.

Sale of alcohol

Many of the negative issues can be minimised by conditioning the licensing activities for the sale of alcohol to 2300 every night and retaining the current members only license.

Noise

Live/recorded music should be confined to the **ground floor only** until 23:00, with appropriate conditions relating to noise being agreed with the relevant authority. This should include the use of automatic noise limiters alluded to by the applicant, and an agreement to lock balcony doors and all windows, as mentioned above.

Clear monitoring arrangements and sanctions need to be in place to ensure that conditions are met. The club have demonstrated a disregard for such suggestions, throughout the recent noise abatement process.

No live or recorded / amplified music or discos are appropriate on the first floor without causing further public harm – therefore no license should be granted for this.

Any music license given should impose a limit to the frequency of events held, e.g. one per month. This would help to mitigate any negative impact on local residents.

Conclusion

Granting a license for live/recorded amplified music on the first floor is unacceptable for these reasons:

- 1) The existing noise abatement order served on the club
- 2) The demonstrable inability/unwillingness of the club to mitigate the public nuisance they already have caused over the last six months
- 3) Three breaches of the noise abatement order, showing either an apparent disregard for neighbour's well-being and legal processes, or an unsolvable problem that cannot be overcome.

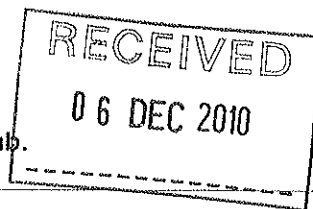
In these circumstances, i.e. where a current noise abatement order is in effect which has been breached three times, **it seems inconceivable that a license for live music and recorded / amplified music could be granted for the first floor of the premises for any time period or any day of the week.** The operating times applied for are much later than currently exist. This would make the existing noise problem even more acute and unbearable for local residents.

I have nothing personal against the cricket club and I understand the sporting asset and cultural value it brings to our community. However, I believe that this license application, as it stands, would have a detrimental impact upon my life and on other residents. Therefore, I am making formal representation to you to consider my objections as outlined above. In addition, I have made several proposals as to how a license could still be granted, whilst minimising negative impact.

Yours faithfully,



Martin D Aldam



LOG Noise from Trowbridge Cricket Club.

Incident 1	
Date:	Sat 30 January 2010
Start	9pm to
Finish	midnight
Type:	Loud music / PA and associated verbal noise
Effect:	Disturbed sleep for children loss sleep for adults. Negative impact on relaxation in home.
Incident 2	
Date:	Fri 5 Feb 2010
Start	not known - arrived home at 10pm
Finish	midnight
Type:	Loud music / PA and associated verbal noise
Effect:	Disturbed sleep for children loss sleep for adults. Negative impact on relaxation in home.
Incident 3	
Date:	Sat 6 February 2010
Start	noticed at 9.30pm to
Finish	midnight
Type:	Loud music / PA and associated verbal noise
Effect:	Disturbed sleep for children loss sleep for adults. Negative impact on relaxation in home.
Incident 4	
Date:	Sat 13 February 2010
Start	9pm to
Finish	midnight
Type:	Loud music / PA and associated verbal noise
Effect:	Disturbed sleep for children loss sleep for adults. Negative impact on relaxation in home.

NB Break --- cancelled events due to no Club having no appropriate licence.

Incident 5	
- Visit by Wiltshire Council Officer. Clare Hughes.	
Date:	Sat 17 April 2010
Start	9pm to
Finish	midnight
Type:	Loud music - Country / Folk
Effect:	Disturbed sleep for children loss sleep for adults.
Incident 6	
Date:	24 April 2010
Start:	8.45 pm
Finish:	Uncertain
Type Music:	60s cover band
Effect:	Disturbed sleep for children loss sleep for adults. Negative impact on relaxation in home.
Incident 7	
Date:	22 May 2010
Start:	9.45 pm (noticed)
Finish:	11.45 pm
Type Music:	Covers (not big band)
Effect:	Disturbed sleep for children loss sleep for adults. Negative impact on relaxation in home.
Incident 8	
Date:	29 May 2010
Start:	9pm
Finish:	

Type Music:	Band
Effect:	Disturbed sleep for children loss sleep for adults. Negative impact on relaxation in home.
Incident 9	
Date:	14 August 2010
Start:	9pm
Finish:	Not noted
Type Music:	Live covers band
Effect:	Disturbed sleep and loss of sleep for adults. Negative impact on relaxation at home and garden.
Incident 10	
Date:	27 August 2010
Start:	9pm
Finish:	Not recorded
Type Music:	Disco I think
Effect:	Disturbed sleep and loss of sleep for adults. Negative impact on relaxation at home and garden.
Incident 11	
Date:	28 August 2010
Start:	9pm
Finish:	11.30
Type Music:	Live blues band
Effect:	Disturbed sleep and loss of sleep for adults. Negative impact on relaxation at home and garden.
Incident 12	
Date:	29 August 2010
Start:	9pm
Finish:	Not recorded
Type Music:	DJ Disco
Effect:	Disturbed sleep and loss of sleep for adults. Negative impact on relaxation at home and garden.
Incident 13	
Date:	25 September 2010
Start:	9pm
Finish:	11.40
Type Music:	Live Band
Effect:	Disturbed sleep and loss of sleep for adults. Negative impact on relaxation at home and garden.
Incident 14	
Date:	23 October 2010
Start:	9pm
Finish:	11.45pm
Type Music:	Live Band
Effect:	Disturbed sleep and loss of sleep for adults. Negative impact on relaxation at home and garden.
Incident 15	
Date:	6th November 2010
Start:	9pm
Finish:	11.55pm
Type Music:	Live Band
Effect:	Disturbed sleep and loss of sleep for adults. Negative impact on relaxation at home and garden.

In the Chippenham Magistrates' Court

S.80 Environmental Protection Act 1990

Appeal by Mrs. Christine Davies, Trowbridge Cricket Club



Statement of Martin Aldam

1. We have lived at Trowbridge for around three years. It is a detached, two storey house built circa 1900. The ground floor has single glazed windows. The first floor has double glazed windows. The house faces the cricket club and is approximately 50m away from the pavilion. There are no other buildings between the pavilion and our house. The space between the pavilion and our house is set to garden and is currently part of the Shaw Trust garden centre. Therefore, there is no physical structure between the pavilion and our house. In addition, 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. 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. I know of several families who have found this to be a problem – although for reasons of their own they have not complained to the council or responded to the Cricket Club's recent letter.
2. From time to time over the past three years we have experienced noise from Trowbridge Cricket Club, such as cricket matches, early evening training sessions etc. But I believe these noises are reasonable and to be expected. I want to make it clear that I am not complaining about the cricket club in general (as implied by the letter sent from the cricket club to its neighbours), or indeed this type of noise. In addition, there is often noise caused by people leaving the club premises after an evening in the bar – whilst mildly annoying, we have not complained about this. It is not our intention to cause trouble or to be unreasonable. However, there has been a material and significant change in the nature, volume and frequency of noise being emitted

from the Cricket Club since January 2010, about which we have exercised our right to seek help from our local authority.

3. Since January 2010 the noise levels have risen dramatically from 9pm to midnight when live music has been played in the pavilion. The noise levels during these events are at a level which can only be described as excessive and intrusive. The noise is so loud that we can hear the words of songs inside our home, both downstairs (audible even when we have music/television on) and upstairs where there is double glazing! The local council has been informed of the situation and in the first instance requested that a log of events be collated. (Please refer to the enclosed log at Exhibit MA1 for details). Subsequently, the council conducted their own independent assessment of the noise level and have concluded that the noise from the Cricket Club is so loud and intrusive that it falls in to the category of 'statutory nuisance'. This has culminated in the council issuing a noise abatement order on the Cricket Club.
4. It is a person's lawful right to be able to enjoy their home and garden. We believe that the excessive and intrusive nature of the noise from the Cricket Club is compromising this right. This fact is supported by the council's decision to issue a noise abatement order on the Cricket Club.
5. The negative impact of the noise manifests itself in several ways; including the loss of sleep and interference with our relaxation. We have young children, who have experienced disturbed sleep (since they are at an age when they need to go to bed before the noise generally starts). Whilst for us, it is simply not possible to go to sleep because of the volume and nature of the noise being made by the Cricket Club. In essence, the choice of when we are able to go to sleep is being dictated by the Cricket Club. In addition to sleep loss, the noise levels from the Cricket Club significantly reduces our ability to relax in our home and garden. The volume of noise means that we have to increase the volume on the TV, or our own music to drown out the Cricket Club's excessive noise. When there is live music on at the Cricket Club, sitting outside in our garden is very unpleasant because the noise levels are intrusive. This situation is clearly not reasonable. There is also a psychological impact arising from the Cricket Club's excessive noise. It is

stressful not knowing when the noise will start, how long the noise will last for and when it will finally stop and allow us to go to sleep. This is a source of worry.

6. It is my belief that it is incumbent on a reasonable and responsible person to behave in a reasonable manner. We believe that the Cricket Club has completely ignored the negative impact they are causing and consequently are not behaving in a reasonable manner. This is borne out by the fact that the Council have notified the Cricket Club of their part in a noise problem, and to my knowledge, the Cricket Club have made no effort to mitigate their impact. In a recent letter from the Cricket Club to neighbours the Cricket Club stated that the noise would stop at 11.30pm and that noise never exceeded this time. In fact, the very same weekend the Cricket Club made excessive noise until 11.45pm and the enclosed log of events show that the usual time for events to terminate is actually midnight.
7. Three years ago, live music from the Cricket Club disturbed us until the early hours of the morning. After the disturbance I directly contacted the Cricket Club in person to complain about the level of noise they had made and how late it went on for. The lady's reaction I spoke to can only be described as rude and dismissive. I asked if the club had an appropriate licence for the event they had just had and I was told (by a vulgar phrase) to leave the premises. It is now clear that the Cricket Club were operating without an appropriate licence. When the new series of disturbances began I felt there was little point in contacting the Cricket Club directly due to their previous dismissive and rude behaviour towards an earlier complaint.
8. It is our belief that the Cricket Club are acting in an unreasonable manner and that the level of noise they are emitting is a nuisance which is having a detrimental effect on our legal right to be able to enjoy our home and garden.
9. The contents of this Statement are true to the best of my knowledge and belief.

Signature: _____ Date: _____

Home Address _____

Home telephone No: _____ Business telephone No: _____

Male/Female _____ Date and place of birth _____

Maiden Name _____ Height _____ Identity Code _____

Dates to be avoided. Delete dates of non-availability of witness

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Contact point, if different from above _____

Address _____

Telephone No: _____

STATEMENT TAKEN BY (print name) _____

Time Statement Taken _____

Place Taken _____

In the Chippenham Magistrates' Court

S.80 Environmental Protection Act 1990

Appeal by Mrs. Christine Davies, Trowbridge Cricket Club



Statement of Martin Aldam

1. I have prepared a witness statement up to and including July 2010. This statement covers the intervening period.
2. The Council served a noise abatement order on 13th May 2010 on Trowbridge Cricket. From this date the Cricket Club were well aware of the problem they were causing. By the 6th August 2010 the Cricket Club had also been provided with witness statements which clearly describe the negative impact their actions are having.
3. After being served with the noise abatement notice and witness statements, I find the attitude of the Cricket Club astonishing. One might have expected the Club to use this time to employ suitable mitigation measures as suggested by Council officers. Unfortunately, there seems to have been little effort made to mitigate their impact. The updated log shows further events that have taken place which have had a negative impact on us.
4. I would reiterate that it is a person's lawful right to be able to enjoy their home and garden. We believe that the excessive and intrusive nature of the noise from the Cricket Club is compromising this right. This fact is supported by the council's decision to issue a noise abatement order on the Cricket Club based on evidence they have collected themselves and notwithstanding the lack of negative responses to the Cricket Club letter to neighbours.
5. It is still our belief that the Cricket Club are acting in an unreasonable manner and that the level of noise they are emitting is a nuisance which is having a detrimental effect on our legal right to be able to enjoy our home and garden.
6. The contents of this Statement are true to the best of my knowledge and belief.

Signature: _____ Date: _____

Home Address _____

Home telephone No: _____ Business telephone No: _____

Male/Female _____ Date and place of birth _____

Maiden Name _____ Height _____ Identity Code _____

Dates to be avoided. Delete dates of non-availability of witness

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Contact point, if different from above _____

Address _____

Telephone No: _____

STATEMENT TAKEN BY (print name) _____

Time Statement Taken _____

Place Taken _____