

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.