

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



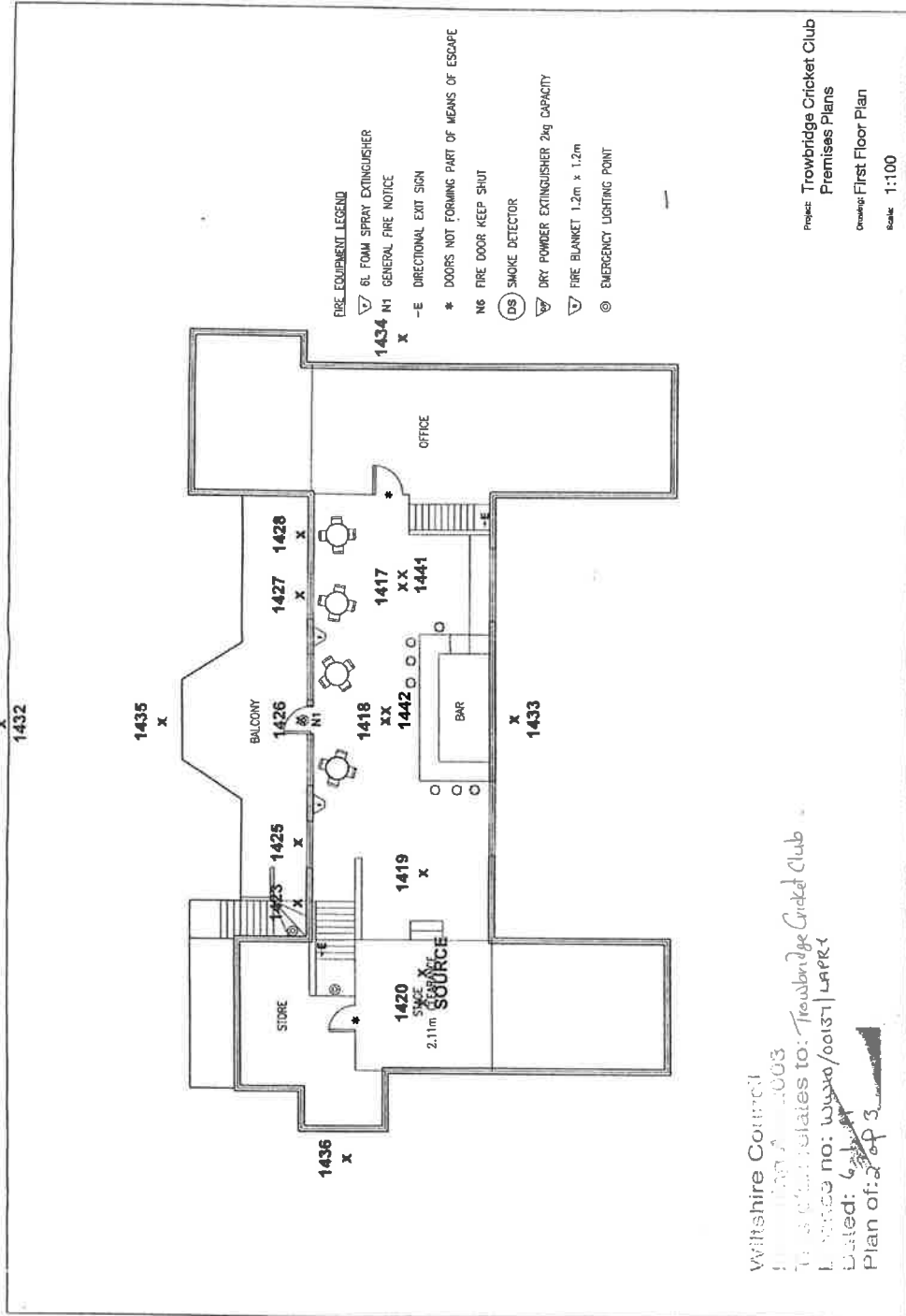
Mr Richard Francis
Wiltshire Council

AS EXHIBIT NUMBER: W SIGNED: _____

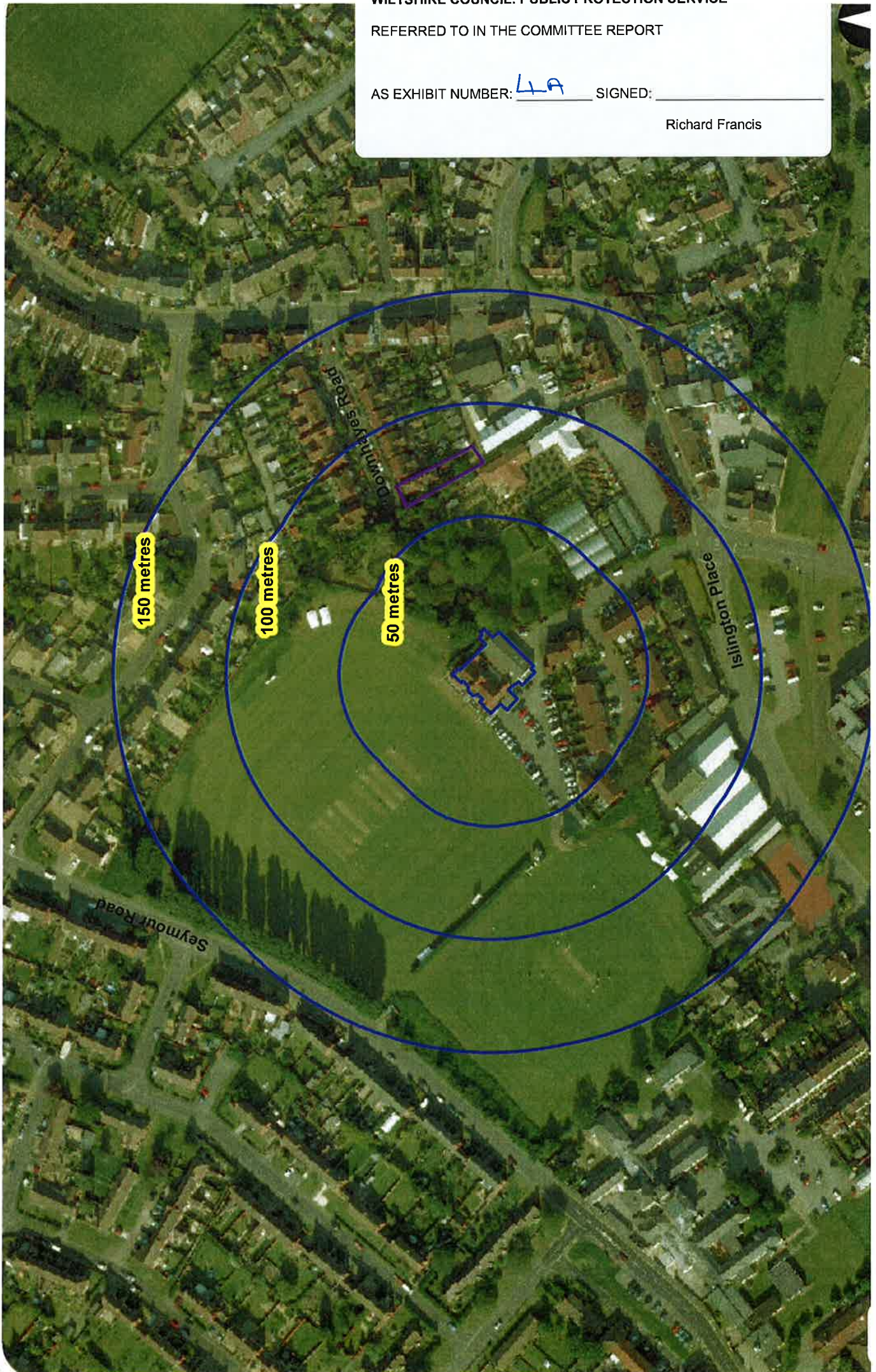
Richard Francis

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 ARD

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
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.

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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

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

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

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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
WHICH WAS ~~SERVED BY HAND~~ ^{POSTED BY 1st class post 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.

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

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
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

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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 EJC/RWang

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

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
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

Posted by 1st class post to
01 13 May 2010 15:00hrs 01 ARWang

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

10/00451/NOMUS/GNS/w25.5

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

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

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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
which was served by 1st class post to
ON 13 May 2010 AT 1500 hrs
WHICH WAS SERVED BY HAND AT THE ADDRESS SHOWN

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10/00451/NOMUS/GNS/lw25.5

10/00044

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



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	19.00 - 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.

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

Public Register
copy

Public Register
copy

Licensing Act 2003 Premises Licence Summary

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

Premises licence number

WW1000137LAPRE

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	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]

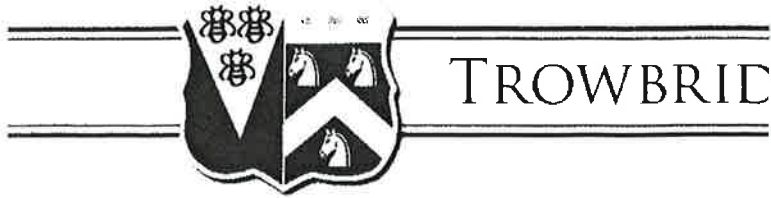
N/A

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

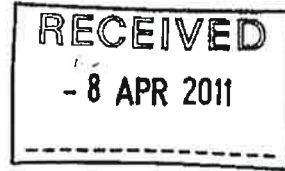
The restrictions contained within the Licensing Act 2003 apply.



AS EXHIBIT NUMBER: 8 SIGNED: _____

Richard Francis

Wiltshire Council
Public Protection
165, Bradley Road
Trowbridge
Wiltshire
BA14 0RD
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.

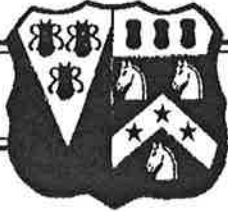
1. The club has invested in new heavy duty lines curtain for all windows, these will remain closed on the South side on all occasions when the band is playing, the remaining curtains will be also closed during winter months. (see below). The full length door curtain will remain closed on ALL occasions.
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

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

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

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.

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

Witness Statement 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

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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 'whhoooooooo' 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

AS EXHIBIT NUMBER: 11 SIGNED: _____

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 4..... Day of January..... 2013

Exhibit mj.1

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	Inside clubhouse first floor outside office facing stage prior to band playing.	79 db	9.10
Point 2	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	Inside clubhouse first floor outside office facing stage prior to band playing.	60 db
Point 2	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:

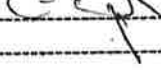
Sound level Recordings

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


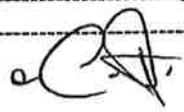
Date 11.2.12 Band Boys house boys Type

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 please condition
continue to sound transmission

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 smt

Person Taking Readings:

Comments if any: BB

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 0.15 +
Point 6	Junction Lower Court/Timbrell Street - Band Playing	30 db	

Person Taking Readings:

Comments if any: CCP

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: _____

CCP

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 Band Booghouse Boys Type

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

Point	Band	Type	db	Time
Point 1	Inside clubhouse first floor outside office facing stage		69 db	9 pm
Time	prior to band playing.		71 db	9.15
Point 2	Clubhouse - Band Playing		50 db	9.30
Point 3	Centre Club Car Park - Band Playing		51 db	9.45 10.15
Point 4	Outside C/House East Side - Band Playing		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. EJB

Sound level Recordings

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

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

Person Taking Readings:

Comments if any:

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

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

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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

report

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.



STEVE WRAY

Figure 1 : Site Location

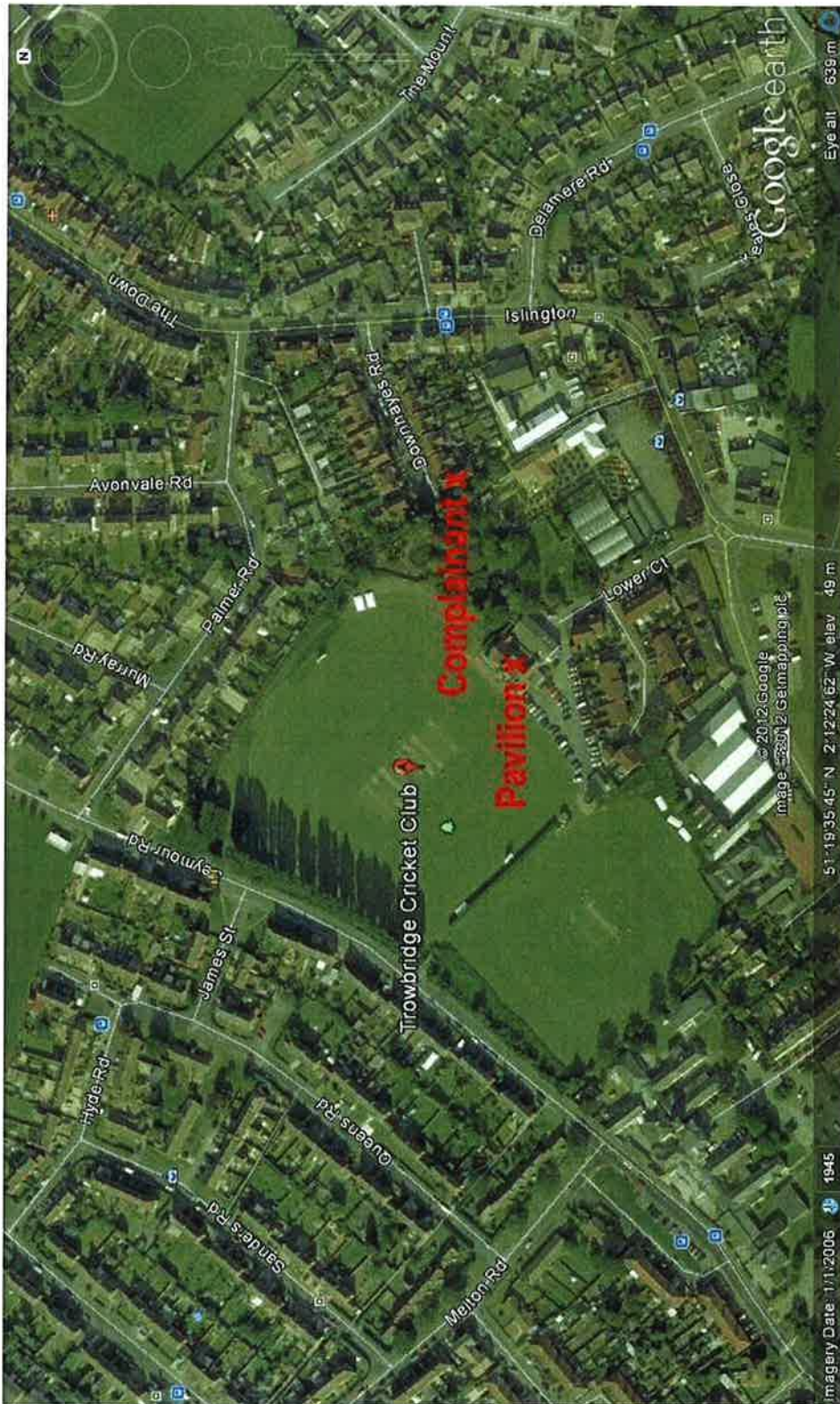
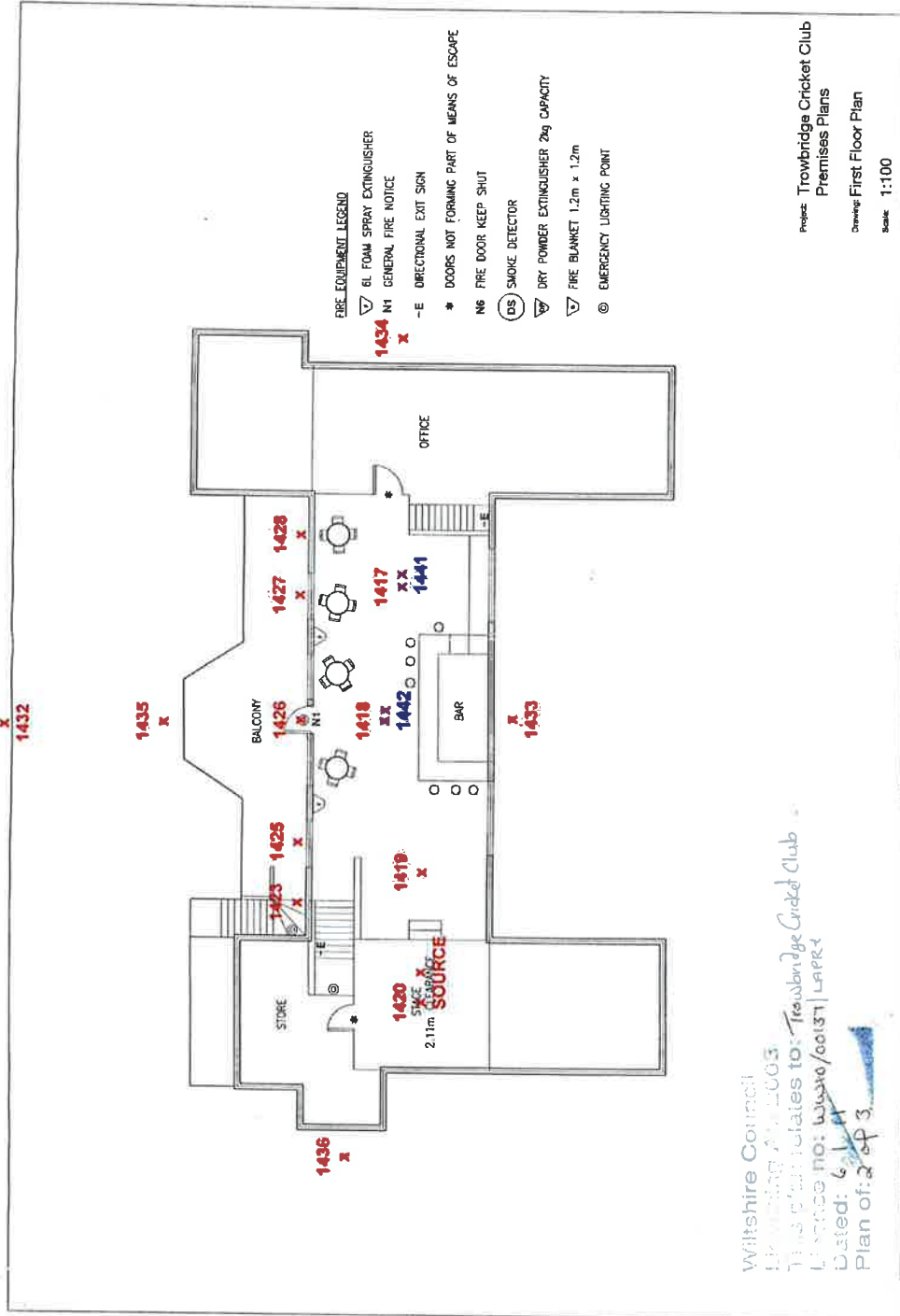


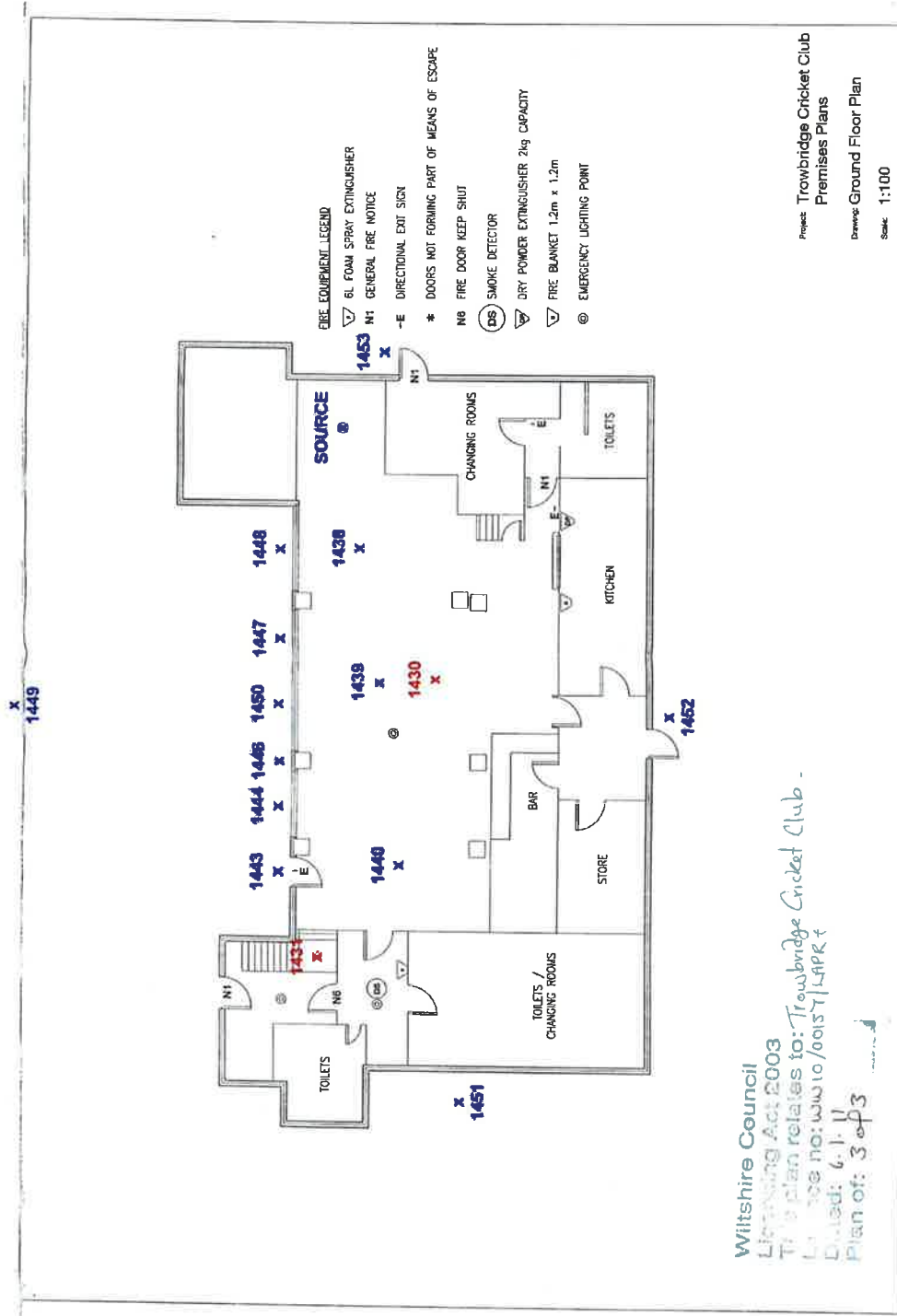


Figure 2 : Measurement Positions, First Floor



report

Figure 3 : Measurement Positions, Ground Floor



report

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	

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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		
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	

REPORT



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

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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

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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	
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

Report

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