

Licensing Authority

Environmental Health was notified of a full variation application from Punch Partnerships limited to vary premises licence MMA0090 pertaining to The White Lion, Melton Mowbray on Monday 3rd August 2020.

As a Responsible Authority, Environmental Health hereby gives notice of our formal object to the application and full variation and submit to the Licensing Committee that it be refused as incompatible with the licensing objective: Prevention of a Public Nuisance.

The rationale for our position is based on three arguments which are as follows.

Scale & Extent

The scope of the application is too broad. If successful, the premises licence would permit live music, recorded music until 01:00 hours; performance of dance, the provision of late night and the supply of alcohol until 03:00 hours in the external environment for up to 320 persons. The application also makes reference to a stage area. This provides all the ingredients for an outside entertainment venue for events and functions. This is a distinctly different trading environment from a pub beer garden or smoking area and represent a significant intensification of use and change in the fundamental nature of that space. The proposed venue which would generate considerable noise from both amplified music /speech and rowdy, intoxicated patrons in the heart of Melton town centre well into the early hours of the morning on an indeterminate number of occasions.

Whilst we recognise that town centre residents might experience some noise from the late night economy from time to time; this is an avoidable dis-benefit to the convenience of urban living. 23:00 is nonetheless the onsite of 'night-time noise' (as recognised by the industry guidance document below) and residents expect an environment conducive for sleep. I would also point out that background noise decreases markedly after 23:00 making specific noise sources more noticeable.

Noise generation from the proposed outside entertainment venue, in its current format, is likely to dominate the town centre noise environment and adversely impact residential amenity. The probability of such an occurrence presents an unacceptable risk of causing a public nuisance.

Noise Control & Conditions

The proposed conditions for the prevention of public nuisance under part 4 (d) of the application are vague, unenforceable and/or do not afford sufficient control of noise generation and noise propagation in the external environment for the proposed use – late night entertainment venue.

The primary noise control condition - condition 11 states:

'No noise generated on the premises shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.'

But does not provide any reference as to what constitutes a nuisance, as determined by who and to whom. Thus it is of little material value.

There are no proposed conditions relating to absolute noise limits (in decibels) or any documented mechanism by which the controls would be exercised. No attempt has been made limit the number of outside events in any given time period. There is no requirements to submit a noise management plan, notify the Licensing Authority of a pending event or engage with Environmental Health. All of which would be expected for an outside entertainment venue operating beyond 23:00 hours.

The existing MMA0090 noise control condition:

'The performance of amplified music shall be no louder than the background level of noise at the boundary of neighbouring residential properties and is to be inaudible at the boundary of neighbouring properties after 2300 hours.'

Is based on the Institute of Acoustic guidance document – 'Good Practice guide on the Control of Noise from Pubs and Clubs' dated 2003. The guidance sets a standard of inaudibility inside noise sensitive premises (with windows ajar for ventilation) after 23:00. Whilst such a condition is typical for internally generated noise as would be expected from pubs and clubs after 23:00, it is unlikely to be achievable in the case of externally generated noise in Melton town centre. The continuity of this condition under a premises licence which permits an outside entertainment venue, as applied for, will have the effect of setting-up the personal licence holder to fail.

MBC – Statement of Licensing Policy 2017

Section 4 – Consideration of Cumulative Impact, recognises that in certain situation the number, type and distribution of licensed premises can, when considered collectively, adversely impact surrounding areas contrary to the licensing objectives.

Environmental Health is not aware of any other premises licence within Melton town centre which affords the operator such broad scope to utilise the external environment as an entertainment venue for events and functions. To grant this licence would set a dangerous precedent by which other town centre premises licence holders could exploit in pursuance of the same. The cumulative impact of such a state of affairs would quickly lead to an unacceptable town centre noise environment and the erosion of the licensing objective: Prevention of a Public Nuisance. Environmental Health would consider triggering a 'special saturation policy' if this were to occur.

I would note that Environmental Health was not consulted on the detail of the proposed full variation as per section 9 – Promotion of the Licensing Objectives.

Should the applicant wish to amend the full variation application by voluntary agreement with Environmental Health, we would consider withdrawing our objection. For the avoidance of doubt, we would want to see regulated entertainment cease in the outside environment at 23:00 on each night. However the regulated entertainment may continue indoors in accordance with the premises licence. We would be willing to consider the use of the outside area to continue to midnight for food / drink only as part of a 'wind down' period. This will allow patrons to finish their meals and conclude their outside event experience.

The existing Environmental Health MMA0090 licence condition as above should carry over to the varied licence unless amended by Environmental Health as part of the consultation process.

Regards

David Martschenko
Environmental Health: Senior Technical Officer