

STATEMENT OF WITNESS



Melton
Borough
Council

Statement of: David Martschenko

Age of Witness: (if over 18 enter "over 18") Over 18

Occupation of Witness: Environmental Health: Senior Technical Officer

This statement, consisting of (**two**) page each signed by me, is true to the best of my knowledge and belief and is tendered in evidence.

Signed:



Dated: 13 September 2022

I am the Environmental Health: Senior Technical Officer at Melton Borough Council. Environmental Health serves as a 'Responsible Authority' to the local 'Licensing Authority'. Responsible Authorities are obliged to make representations to the Licensing Authority when they have reason to believe that licensed premises are being run in a way that is negatively impacting on the promotion of the licensing objectives – in this instance, the 'prevention of a public nuisance.'

Environmental Health received a complaint from Ms Kaisey Lambert on the 17 April 2022 concerning nuisance noise from The White Lion on Nottingham Street, Melton Mowbray – attached as evidence DM SGWDWNVM. The complaint reported a loss of residential amenity due to amplified music from late evening entertainment events in the external grounds of The White Lion.

I emailed George Domleo – Senior Associate at Flint Bishop on the 22 April 2022. Attached in evidence as DM01. Flint Bishop Solicitors is acting on behalf of Starpubs and The White Lion. I have historically dealt with Mr Domleo as a proxy for Mr Simon Brooks – The Designated Premises Supervisor and tenant at The White Lion. I requested Mr Brooks submit his monitoring records for the Easter bank holiday weekend, the 2nd to 5th April 2022.

I emailed Mr Domleo again on 5 May 2022 confirming that the monitoring records had not been received – attached in evidence as DM02. As the requested information had not been received by 30 May 2022, I emailed Mr Domleo to inform him that the failure to submit the requested monitoring records had been recorded as a premises licence condition non-compliance. Attached in evidence as DM03.

On the 9 July 2022, I received a further complaint from Ms Kaisey Lambert concerning nuisance noise from an event held at The White Lion that evening – attached in evidence as DM04.

I emailed George Domleo on the 14 July 2022 requesting Mr Brooks submit his monitoring records for Saturday 9 July and his schedule of events for the next 30 days. Attached in evidence as DM05. Mr Domleo responded by email the same day copying in Mr Brooks directly. I emailed Mr Domleo again on the 10 August 2022 to confirm that the requested information had not been received – attached in evidence as DM06.

On the 11 August 2022 I finally received contact with Mr Brooks – attached in evidence as DM07. This is a period of nearly 4 months since our original email and request for information.

Mr Brooks claimed not to know what information was required. I reject this position. My emails to Mr Domleo, attached in evidence, are explicitly clear. Moreover, I explained to Mr Brooks in March 2022 during a major variation of the premises licence what information Mr Brooks should be recording whilst making observations of the sound environment. I attach this in evidence as DM08.

Mr Brooks also claims not to have respond to Environment Health due to work and family commitments limiting his time at The White Lion. I reject this position. Mr Brooks has had time to run regular entertainment events at The White Lion. I attach in evidence as DM09 the Facebook advertisements of events held at The White Lion over the Summer of 2022. To demonstrate that Mr Brooks has been regularly involved in the management of these events, I attached in evidence DM10, a Facebook post of Mr Brooks DJ-ing on the 'outdoor soundstage' at The White Lion dated 20 August 2022.

END