

Holding objection to application for a premises licence in respect of Rumblebees Bookshop, Braintree Road, Felsted CM6 3DJ

As Senior Environmental Health Officer (Protection) at Uttlesford District Council I am making a holding representation to the application because I consider there is potential for a public nuisance to occur should the application be approved without condition.

Background

Rumblebees Bookshop is located on Braintree Road, Felsted. Residential properties are in proximity and a beauty therapy business operates above. This department did receive a noise complaint during Jan/Feb 2023 regarding alleged loud music internally and general patron noise primarily due to alleged poor sound insulation. Investigations ceased as little to no music has been played since this time and we were in contact with both the complainant and the applicant. Overarching, the premises must be operated with sensitivity to the amount of noise which may be produced from music and from customers at or leaving the premises.

Premises Application

The application seeks to provide live and recorded acoustic music and alcohol from 10:00am until 22:00pm seven days a week. It is unclear from the application if these activities are to occur either inside or externally or both. Minimal detail is provided regarding the prevention of public nuisance.

I have spoken to the applicant who states the music activities will be infrequent and will only occur inside. They will be acoustic only as the applicant agreed that historic amplified music event/s were too loud. The applicant is prepared to submit a noise management plan to mitigate disturbance that this service will need to approve.

It is not possible to contain noise and smoke odour from an outside area. Encouraging patrons to possibly use the outside area during operating hours, within a residential area, has the potential to cause widespread disturbance to neighbours. Use of the outdoor area can lead to patrons using the area for extended periods and therefore a condition is needed to limit the front seating area to a reasonable time so as to prevent disturbance to neighbours.

Conclusion

Although the level of complaints relating to noise are low and historic consideration should be given to ensure noise controls are in place.

Public nuisance is given a statutory meaning in many pieces of legislation. In the context of noise, a public nuisance occurs when the act substantially interferes with the reasonable use of neighbouring land. It is important to note that the prevention of

public nuisance could include low-level nuisance, perhaps affecting only a few people living locally, as well as major disturbance affecting the whole community. This service maintains that condition/s relating to a noise management plan and limiting the use of the front seating area are considered reasonable and intended to ensure there is no unreasonable interference in the use and enjoyment of neighbouring land. This is in keeping with the requirements of licensing guidance as the approach to public nuisance should be one of prevention.

If the Committee is minded to approve the application the onus would be on the applicant to manage the premises and prevent complaints and the agreed noise management plan will go a long way to achieve this.

Andy Bonham

Snr Environmental Health Officer (Protection)

Uttlesford District Council

4/12/2023