

Representation for Quantum Ltd 30 to 34 River Street, Digbeth

Dear Licensing,

It is my opinion that there is the potential for public nuisance to occur should the licence be granted as it is.

The site is 20,000 square feet of industrial warehousing, built this way at the turn of the century for such operations in an industrial area. They propose under the license application to run this site as an exhibition centre and live music venue, with hours of 8am to 3am Sunday to Monday and 8am to 5am Friday and 8am to 6am Saturday. Within the application they advise they have a capacity of 1360.

The structure of the building in its present state is not designed to hold such music events, without music from live music events affecting local nearby residents on Fazeley Street (38m away) and Minerva Works canal moorings (125m). They had such a live music event on 24th October 2015 until 6am and there were complaints from these local residents. They had another event on the 31st October 2015, Environmental Health Officers witnessed the event from a residents property, they advised if this was a regular event it would likely be a statutory noise nuisance. The other noise problem that officers noted at this event was the comings and goings from customers outside the venue. This would likely include groups of people talking loudly outside the venue in the early hours, people parking cars and getting in and out of the cars with doors banging and loud music from car radios, all related to the event. The problem of people exiting and entering the site is made worse by the narrow streets around the site and the problems with parking in the area anyway before a large number of additional people arrive for an event at the site.

Two previous applications have been submitted and refused by licensing committee, and as it stands now this application does not reassure environmental health that that anything has changed to try to resolve the problems.

I would like to point out the following issues with suggested conditions/ application:

1. It is not clear what room will be used for what, they all have several names e.g main hall, exhibition hall and 31,32,33 River Street?
2. The main hall will have no licensable activities after 1am but they still want to have 200 people in the room?
3. It is not clear what capacity each room has.
4. The TENs applications advise the recent events they have had are at 34 River Street, I think the events have actually been held at 30 River Street?
5. The first nuisance condition suggests the music **shall** be audible at the nearest noise sensitive premises. It should say **shall not** be audible. I would also advise it says **any** noise

sensitive premises, not nearest as it may not be the nearest most affected given the size of the venue.

6. This condition mentions a noise limiter, but it is not clear where this would be put and it should be set and agreed with Environmental Health.
7. I am not clear how the external smoking area will be set up and how people will exit from the rear of the venue. At the moment it is part of the factory next door?
8. They discuss a written queuing and dispersal policy this has not been provided.
9. They have a noise management policy, however it is not specific to the site, they have not discussed what they actually propose to do at the site.

TENs held this year:

The site has had 8 TENS this year 7 were only till 11pm and did not involve regulated entertainment and would have only had a maximum of 200 people, no complaints have been logged. The other TEN on the 5 August was till 2am had regulated entertainment, however we have no details of what happened at the event and how they managed it to assist with this application (no complaints were received)?

Noise report

As discussed the structure of the building is a major concern and after the first licensing hearing a noise assessment was carried out on the structure. It was subsequently revised and I have some concerns regarding this:

1. The main issue is the report indicates a significant amount of work is required to insulate this large site so that they may use it as a live music venue. For example the entire roof needs insulating and then a properly fitted suspended ceiling needs to be put in. This will be at significant cost. I query whether it may be better to insulate the premises using a phased approach leaving the large exhibition room until last or even not considering this in the license application, have it separate to it?
2. The report does not include ambient/ background noise levels in octave bands, so it is not clear whether the readings include the test sound as well or the just existing noise in the monitoring results, which will affect the level of insulation required.
3. The site does not have planning permission, when they apply for this which they will have to do, they will have to comply with the councils noise and vibration policy. This is a greater standard than what the noise report has used. We would not want the work to be carried out, and not comply with this. This policy advises noise due to activity less than 10dB below the background noise level or NR20 at the façade.

If the application were too allowed we would require conditions (these conditions are not the final condition just an outline as they would need to be discussed in more detail with all parties to agree the wording):

1. Before live music could take place the site would have to insulated and work done agreed with EH.
2. A noise limiter shall be installed in all rooms having regulated entertainment and setting agreed with EH.
3. Persons coming and going from the site between 6am and 3am every day which they are applying for, is going to be difficult to control and as yet we have had no information to show how this could be done. I would advise a reduction in hours to midnight Sunday to Monday and 1am on a Friday and Saturday. Also looking at the number of live music events they will have in a year and on what days of the week.
4. Numbers should be limited in the smoking area, but until we know the full details of this area, I am unsure what to suggest.
5. I would suggest the large exhibition room is removed from the application, and not used for live music.

I hope this is sufficient for my representation to stand.

Regards,

Jane Dunsford

Environmental Health Officer