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**From:** Paul R Samms  
**Sent:** 30 November 2018 10:07  
**To:** Licensing  
**Cc:**  
**Subject:** Representation - Additional Information - The Botanist, Cheltenham House, 14-16 Temple Street, Birmingham, B2 5BG.

All,

As promised please find update.

My representation(s) concern the likely effect of the grant of the licence on the promotion of the licensing objectives relating to the prevention of public nuisance. I am concerned that the grant of the licence would potentially result in noise nuisance to neighbouring properties due to noise breakout from the building, patrons accessing and egressing the premises and the use of the external areas in conjunction with the licensed activity (particularly bottle emptying activities and waste collection).

I have met with (and written to) the managers of the Botanist expressing regarding noise complaints.

The history of noise complaint over the last 2 years is as follows:

- i. July 2018 – Intrusive noise from emptying of bins.
- ii. November 2018 – Diary sheet returned covering intrusive noise from bin collections and loud music during Aug/Sept period (difficult for complainant to return diary sheet earlier as away on business during October).

The application is for an extra hour of live, recorded music (and operating hours resulting) in:

- Live and recorded music being extended till 1am in the morning for week days - with operating hours being extended to 1:30am.
- Live and recorded music being extended from until 2 am for weekends (includes Thursday) - with operating hours being extended until 2:30am.

I am concerned about the extension of hours as:

1. There is a history of complaint.
2. There are residential units directly opposite the premises in very close proximity.
3. Currently all licenced premises in Temple Street do not have operating hours past 12:30 in the week or 01:30am at the weekends. The presumption being that regulated entertainment after these times is likely to cause intrusive noise for neighbouring residents during the most noise sensitive time of night.

Operations of hours later than the current licenced hours gives rise to a significant risk of disturbance from:

- 1) Live and recorded music.
- 2) patrons accessing and egressing the premises.
- 3) Emptying of waste bottles.

On the basis of the above I advise the application is refused.

I do not believe that these concerns can be dealt with solely by the use of appropriate conditions.

Regards,

Paul Samms

Environmental Protection Officer

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**From:** Paul R Samms  
**Sent:** 30 November 2018 10:34  
**To:** Licensing  
**Cc:**  
**Subject:** Hearing Wed 5th Dec - Licensing Act 2003 - (Variation) The Botanist, Cheltenham House, 14-16 Temple Street, Birmingham, B2 5BG

All, I will be referring to the following statement from the complainant who has been suffering as a result of noise issues from the Botanist

**Statement**

*"I oppose the extension of hours at the Botanist. I currently find that the music coming from the bar, due to live bands and recorded music, is too loud and can go on till past midnight. It can start quite early in the evening, disrupting simple activities like watching the tv and go on to make getting sleep difficult. The indirect noise that also results from the running of a bar, i.e. noisy customers and emptying of bottles into bins, are all equally if not more disturbing as they can occur at the early hours of the morning. This is currently causing me to have disturbed sleep through the night, causing fatigue, stress and if there has been a run of loud nights, generally run down. If the Botanist is allowed to extend their hours, I fear that the impact on my sleep and health will be very negative as I live in such close proximity to the bar. Furthermore, the Botanist is one of many bars on the street and they all currently close at the same time. I fear that the extension of hours for one will also cause a further extension for the other bars, turning my residential street into a loud and disruptive place to live."*

Regards,

Paul Samms  
Environmental Protection Officer

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