
From: Paul R. Samms
Sent: 28 October 2016 15:51
To: Licensing
Cc: Heath Thomas¹; Janet Bradley;
Joanne McCallion
Subject: Representation - Emperors Lounge Ltd, 26 Birchall Street, Birmingham, B12 ORP.

Afternoon All,

First of all, I confirm that the hearing is necessary and I will be attending.

My representation concerns the likely effect of the grant of the licence on the promotion of the following licensing objective:

- the prevention of public nuisance

I am concerned that the grant of the licence would undermine the licence objective for the prevention of public nuisance.

There are residential premises at:

- i. St Eugene's Court (approx. 160 metres away).
- ii. the corner of Rea Street and Cheapside (approx. 150 meters away).

Over the road from the premises a block of residential apartments at the corner of Cheapside and Birchall Street are being constructed.

My concerns include (but are not exclusive to) intrusive noise as a result of:

1. Noise from patrons going to and fro from the premises during noise sensitive times.
2. Noise from taxi's.
3. Noise from customers from within the premises (as the premise is a Shisha Lounge there is likely to be noise break out through the ventilation areas of the roof).
4. Noise from music from within the premises (again as the premises is a Shisha lounge there is likely to be noise break out through the ventilation areas of the roof).

I think that these concerns can be dealt with by restricting the activities (and the hours of operation) as well as the use of appropriate conditions (as detailed below).

Although, I have stressed to the solicitor and the applicant that, due to the proximity of existing and future residents they are not likely to be happy with the level of music once we have calibrated any noise limiter that may be fitted.

Hours of Use.

The premises should be prevented from opening past 2am in the morning.
All regulated entertainment should cease by midnight.

Conditions

- a) The Licensee shall ensure that a written agreement is made with reputable taxi companies to ensure that when taxi's pick up and drop off customers from the licensed premises noise from these vehicles does not cause a nuisance to local residents.
- b) Customers who require a taxi from the site shall be advised by staff to use taxi companies specified by the Licensee.
- c) Notices shall be displayed within the licensed premises for customers to view giving details of taxi companies to use
- d) The Licensee shall ensure notices shall be displayed near the entrance and exits of the premises advising customers to have respect for the nearby residents and keep noise levels to a minimum.
- e) The Licensee shall be responsible for ensuring that comings and goings of customers do not create a public nuisance to neighbours and if necessary will:
 - a. direct people away from neighbouring residential premises.
 - b. increase the number of stewards/doorman to control customers.
- f) A Noise Limiting Device (NLD) of a type approved by the Environmental Protection Unit of Birmingham City Council shall be fitted to the amplification system and set at a pre-set volume level agreed with the Environmental Protection Section, to ensure the volume of music is pre-set so as not to cause a noise nuisance to the occupiers of nearby buildings. The installation of the NLD shall be notified to the Environmental Protection Section at least 14 days before its' initial operation and shall fulfil the following criteria:
 - a) The device shall be fitted in an approved position by a competent person and once fitted shall not be moved from the approved position unless prior approval is given
 - b) The device shall be capable of cutting off the mains power to the amplification system if the volume exceeds the pre-set level determined by the Environmental Protection Unit or shall be capable of maintaining the volume of the music at the pre-set level determined by the Environmental Protection Unit and shall not restore power to the sound system until the NLD is reset by the licensee or their nominated person.
 - c) The amplification system shall only be operated through the sockets/power points linked to and controlled by the NLD at all times.
 - d) The NLD shall be maintained in full working order and at the approved pre-set volume whilst the amplification system is operational.
 - e) Any damage or malfunction to the NLD shall be reported to the Environmental Protection Unit as soon as possible and within 24 working hours of the damage occurring or malfunction being noted. The NLD shall not be used in this damaged or malfunctioning state until approval has been given by the Environmental Protection Unit.

In light of the matters set out above I have no objections to the licence being granted provided appropriate conditions and the hours restrictions are imposed to deal with the concerns raised.

Please note my agreeing to conditions being attached to the licence does not indicate that I am confirming that the smoking shelter is compliant with the smoking legislation.

Regards,

Paul Samms
Environmental Protection Officer

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