



# AGENDA

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## LICENSING COMMITTEE

**Date: TUESDAY, 27 AUGUST 2019 at 7.15 pm**

**Committee Room 1  
Civic Suite  
Catford Road  
London SE6 4RU**

**Enquiries to: Clare Weaser  
Telephone: 0208 314 7369 (direct line)  
Email: clare.weaser@lewisham.gov.uk**

### **MEMBERS**

This meeting is an open meeting and all items on the agenda may be audio recorded and/or filmed except for items numbered 6 on the Agenda. For legal reasons, those items will be considered in private with the press and public excluded.

### **Councillors:**

Councillor Eva Stamirowski (Chair)  
Councillor Colin Elliott (Vice-Chair)  
Councillor Tauseef Anwar  
Councillor Juliet Campbell  
Councillor Alan Hall  
Councillor Carl Handley  
Councillor Sue Hordijkeno  
Councillor Coral Howard  
Councillor Kim Powell  
Councillor Susan Wise

**Members are summoned to attend this meeting**

**Janet Senior  
Acting Chief Executive  
Laurence House  
Catford  
London SE6 4RU  
Date: 15 August 2019**



INVESTOR IN PEOPLE

The public are welcome to attend our committee meetings, however occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

## ORDER OF BUSINESS – PART 1 AGENDA

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INVESTOR IN PEOPLE

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# Agenda Item 1

LICENSING COMMITTEE			
<b>Report Title</b>	Minutes		
<b>Key Decision</b>			Item No. 1
<b>Ward</b>			
<b>Contributors</b>	Chief Executive		
<b>Class</b>	Part 1	Date: 27 August 2019	

## Recommendation

That the Minutes of the meeting of the Licensing Committee, held on 30 July 2019 be confirmed and signed.

# Agenda Item 2

LICENSING COMMITTEE		
Report Title	Declarations of Interest	
Key Decision		Item No. 2
Ward		
Contributors	Chief Executive	
Class	Part 1	Date: 27 August 2019

Members are asked to declare any personal interest they have in any item on the agenda.

## 1 Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests

## 2 Disclosable pecuniary interests are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person\* for profit or gain
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person\* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person\* is a

partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.

- (g) Beneficial interest in securities of a body where:-
- (a) that body to the member's knowledge has a place of business or land in the borough; and
  - (b) either
    - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
    - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person\* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

\*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

### **(3) Other registerable interests**

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25

### **(4) Non registerable interests**

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

### **(5) Declaration and Impact of interest on members' participation**

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any

event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**

- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.
- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

## **(6) Sensitive information**

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

## **(7) Exempt categories**

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception)

# Agenda Item 3

LICENSING COMMITTEE		
<b>Report Title</b>	Club Vibes	
<b>Key Decision</b>	No	Item No. 3
<b>Ward</b>	Lewisham Central	
<b>Contributors</b>	Community Services – Licensing Authority Head of Law	
<b>Class</b>	Part 1	Date: 27 August 2019

**Proposal:** Premises Licence Review

**Legislation:** Licensing Act 2003

**Premises:** Club Vibes, 2<sup>nd</sup> Floor, 100-104 Lewisham High Street, SE13

**Applicants:** Kelly Hickmott, LBL Crime, Enforcement & Regulation Service

## 1. Current Licence Status

1.1 The premises are currently licensed for the following activities:

**Regulated Entertainment:**

10:00 – 04:00 Monday - Saturday  
12:00 – 04:00 Sunday

**Alcohol:**

10:00 – 03:00 Monday - Saturday  
12:00 – 03:00 Sunday

**Late Night Refreshment:**

23:00 – 03:00 Monday - Sunday

1.2 A review has been sought by Kelly Hickmott from the council's Crime, Enforcement & Regulation Service under section 51 of The Licensing Act 2003.

## 2. Outline Grounds for Review

2.1 The premises are alleged to be undermining the licensing objectives of prevention of Public Nuisance and public safety. Concerns are around noise nuisance and breaches of abatement notice by the premises, as well as breaches of licence.



2.2 The application for the review was served on all responsible authorities and has been advertised in accordance with Regulation 38; a notice prominently displayed on or near the premises to which the application relates and at the licensing authority premises for a period of 28 consecutive days. The last date for receiving representations was the 17 July 2019.

2.3 Representations were received from 7 residents who live in the nearby area.

### **3. Legal and Human Rights Implications**

3.1 The Licensing authority is a public authority under the Human Rights Act 1998. Therefore the licensing authority is required to act compatibly with the convention rights in the exercise of their functions. 3.2 Article 6 (1) of the Convention provides that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial hearing established by law.

3.2 A Premises Licence is a possession for the purpose of the Human Rights Act 1998. The right to hold a licence is a qualified rather than an absolute right. Therefore the right to hold a licence may be interfered with if it affects the interests of local residents or others. Such interference may be justified if it is necessary and proportionate to promote the licensing objectives.

### **4. Equalities Implications**

4.1 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

4.2 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

4.3 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed above.

4.4 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor

must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

- 4.5 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:  
<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

- 4.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- [The essential guide to the public sector equality duty](#)
  - [Meeting the equality duty in policy and decision-making](#)
  - [Engagement and the equality duty: A guide for public authorities](#)
  - [Objectives and the equality duty. A guide for public authorities](#)
  - [Equality Information and the Equality Duty: A Guide for Public Authorities](#)

- 4.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:  
<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

## 5. Application for review

- 5.1 After having regard to all representations, Members must take such steps as they consider necessary for the promotion of the licensing objectives. In accordance with Section 52 of the Licensing Act 2003, Licensing Committee may;

1.) Modify the conditions of the licence (this includes the power to omit or alter

- existing conditions and add new conditions)
- 2.) Exclude a licensable activity from the scope of the licence
  - 3.) Remove the designated premises supervisor
  - 4.) Suspend the licence for a period not exceeding three months
  - 5.) Revoke the licence
  - 6.) Take no action if it is considered that no steps are necessary for the promotion of the licensing objectives

5.2 An appeal may be made against the decision to the Magistrates Court by the applicant for review and the Premises Licence holder.

### **Background Papers**

Review Application

Kelly Hickmott, 19 June 2019

Premises Licence Document – PL0190

Evidence / documents as served

Should you require any further information on this please contact Lisa Hooper, Crime, Enforcement & Regulation Manager on 02083146324



Licensing Team  
9 Holbeach Road  
London SE6 4TW  
020 8314 6400

**Application for the review of a premises licence or club premises certificate  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I **Kelly Hickmott**

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

Club Vibes  
Second Floor  
100-104 Lewisham High Street

Post town  
London

Post code (if known)  
SE13

**Name of premises licence holder or club holding club premises certificate (if known)**

Club Vibes Ltd

**Number of premises licence or club premises certificate (if known)**

PL 0190

**(B) DETAILS OF OTHER APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address
Kelly Hickmott Crime Enforcement & Regulation Service 9 Holbeach Road London SE6 4TW
Telephone number (if any)
02083147237
E-mail address (optional)
Kelly.hickmott@lewisham.gov.uk

**This application to review relates to the following licensing objective(s)**

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes

X

**Please state the ground(s) for review (please read guidance note 2)**

I am applying for a review of the premises license for Club Vibes, Second Floor 100-104 Lewisham High Street SE13

I believe that they have put at serious risk two of the Licensing objectives. The objectives that I am applying for this review under is public safety and the prevention of public nuisance. This is due to noise nuisance and breach of a licensing condition.

Since 13<sup>th</sup> February 2019 the Crime Enforcement and regulation service have been in receipt of complaints of excessively loud music and bass coming from Club Vibes. The resident who has complained is living in very close proximity to the premises.

Officer who has the case has been working with Club Vibes and the resident to try and deal with the noise issues but have been unable to get to a suitable resolution.

On 16/3/2019 Officers visited the club when carrying out a visit to the complainants address officers deemed the level of music to be a statutory nuisance.

An abatement notice was served on 27<sup>th</sup> March 2019. ( in the letters issued to the club the date was put as the 23<sup>rd</sup> of March by mistake)

Following the service of the abatement notice the CER service still were receiving noise nuisance complaints from a resident living in very close proximity to the premises. Officers visited Club Vibes on Saturday 27<sup>th</sup> of April, 18<sup>th</sup> May and the 26<sup>th</sup> of May and witnessed the music from the complainant's property and also from street level.

The officers deemed this to be unsatisfactory and such that deemed as a statutory nuisance this was in breach of the abatement notice that had been served in March 2019. 2 Breach letters have been served as a result of what officers have witnessed on 2 separate occasions.

CER have also received 2 further complaints from residents that live in close proximity to the clubs. It's not just the noise that has been reported but the level from patrons that are attending both Club Vibes and Alpha Lounge that also sits in the same building.

Officers have also witnessed a high level of vehicles that are parked on Lewisham High Street some in the region of 50 cars in one night this is a concern for public safety as an ambulance had trouble accessing a patron from the club that was in need of medical assistance this was witnessed by officers.

Officers made a further visit to the complainant's home on Sunday 16<sup>th</sup> June at 01:45hrs to witness the noise they have both also provided statements to support that this is a statutory nuisance in spite of previous breaches of the abatement notice that was served.

Statements are enclosed.

In addition CCTV was requested for the 25<sup>th</sup> of May from 2am to 4am. The licensee provided CCTV but only for half hour 2am to 2:30am. The CCTV did show patrons being allowed entry after 2am further CCTV has been requested.

**Please provide as much information as possible to support the application**  
(please read guidance note 3)

Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise in accordance with an authorisation or knowingly allowing a licensable activity to be carried on.

Officers witnessed that Club Vibes was allowing entry to the club after 2am by patrons that were not re-entering from using the designated smoking area outside. This was a breach of the Annex 3 condition on their licence again a breach letter was served in line with the above section.

Noise from excessive loud music from Club Vibes was witnessed and deemed a statutory nuisance under Section 80 of the Environmental Protection Act 1990

**Please tick ✓ yes**

Have you made an application for review relating to the premises before

x

If yes please state the date of that application

Day Month Year  

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**If you have made representations before relating to the premises please state what they were and when you made them**

N/A



## Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



**LONDON BOROUGH OF LEWISHAM  
ENVIRONMENTAL PROTECTION ACT 1990, section 80**

**Abatement Notice in respect of a Statutory Noise Nuisance**

To: PTOWN SOUTH DORSET

of: Club Village, 100 High Street, Lewisham, London SE13 7EZ

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council of the London Borough of Lewisham being satisfied of the existence and likely recurrence of noise amounting to a statutory nuisance under section 79(1)(g) of that Act emanating from the premises known as:

Club Village, 100 High Street, Lewisham, London SE13 7EZ

within the district of the said Council arising from: emission of excessive loud music

HEREBY REQUIRE YOU as the owner/person in control of the premises from which the noise is or would be emitted forthwith from the service of this notice, to abate the same and also

HEREBY PROHIBIT the recurrence of the same and for that purpose require you to:

cease to commit or allow to be committed further nuisance from loud music upon the above premises.

THIS is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be found guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding £5000, together with a further fine not exceeding £500 for each day on which the offence continues after conviction. A person who commits an offence in connection with industry, trade or a business will be liable on summary conviction to a fine not exceeding £20,000, together with a further fine not exceeding £2000 for each day on which the offence continues after conviction.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

DATED 27/3/2019

Time Copy Served ..... 15.00 am/pm ..... [Signature] (Signed)

Address to which all communications should be sent:

Crime, Enforcement & Regulation Service  
8 Holbeach Road  
Catford  
London  
SE13 7EZ  
Telephone: 020 8314 7237

[Signature] (Print)  
Crime, Enforcement & Regulation Officer  
(The Officer appointed for this purpose)

N.B. The person served with this notice may appeal against the notice to a magistrates' court within twenty-one days beginning with the date of service of the notice. See notes overleaf

## STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 27.2;  
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)*

**STATEMENT OF:** Angela Mullin-Murrell  
**Age of witness:** Over 18

**This statement (consisting of 1 page) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.**

I, Angela Mullin-Murrell, am a Crime, Enforcement and Regulation Officer of the London Borough of Lewisham's Community Services Directorate. I have been employed by the council since December 2007, my duties include investigating complaints of noise nuisance as specified via The Environmental Protection Act 1990, licensing enforcement as designated via The Licensing Act 2003 and Anti-Social Behaviour most notably via the Anti-Social Behaviour, Crime and Policing Act 2014.

I make this statement as a means of confirming I witnessed a Statutory Nuisance from within the property of or complainant who lives at 98a Lewisham High Street.

On 19<sup>th</sup> May I was working with colleague Alfene Rhodes on out of hours duties. We received a call on the out of hour's phone number from a complainant asking that we witness noise and base vibrations he was experiencing from Vibes nightclub and Alpha Lounge from his property.

My colleague Alfene Rhodes and I arrived outside the clubs at 2:20am, the music and base were audible from outside Santander Bank on the corner of Albion Way opposite the clubs and the pavements and road way were covered in parked cars and people. There was in excess of 50 cars parked on the market place. The complainant met us outside the clubs and we made our way to his property. The complainant's property is across 3 floors and each floor was experiencing a nuisance. The living area of the property is level with Alpha Lounge and was vibrating because of the noise, which at that time of night, I deemed to be intrusive. We then went up to the bedroom which is level with Club Vibes and again the noise and base could be clearly heard and felt. In my opinion the noise and vibration going through the property was unacceptable at that time of night and would prevent the complainant from sleeping, therefore I deemed it to be and a statutory nuisance. The complainant explained to us that both premises had been issued with an abatement notice and asked what the next steps would be. We advised that the officer dealing with the case could now serve them with a breach based on what we had witnessed.

We left the premises and met with the owner of Alpha Lounge on the street outside

# Witness Statement

(Criminal Procedure Rules, r 27.2;

Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)


**Statement of:** Mark Adu-Brobbeey  
(Name)

**Age of witness:** Over 18.  
(If over 18 enter "over 18")

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This statement (consisting of 1 page each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 18<sup>th</sup> day of June 2019.

Signature.....

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I, MARK ADU-BROBBEY, am a Crime, Enforcement and Regulation Officer for the London Borough of Lewisham Council. I have been employed in this role since August 2015. My duties include Licensing Enforcement as designated via the Licensing Act 2003 and The Gambling Act 2005, Anti-Social Behaviour via the Anti-Social Behaviour, Crime and Policing Act 2014 and most notably Public Health and Nuisance as via the Environment Protection Act 1990.

As part of our duties, we periodically work out-of-hours responding to noise complaints logged via our duty phone. My colleague Theo Bahannack and I were on duty on Saturday 15<sup>th</sup> June 2019 from 9pm to 3am. At approximately 0120hrs, we were called by a complainant named Matthew who wanted us to witness from his property noise nuisance originating from Club Vibe.

We arrived at 0136hrs and noise nuisance was clearly heard and felt upon entering the complainants' property at 0140hrs. We listened from the ground floor of the property and made our way to the first floor and in both locations the bass from the music could be felt and lyrics audible.

After leaving the property at approximately 0150hrs, myself and Theo deemed that the nuisance witnessed met the threshold of a breach of the abatement notice already served.

If the need arises, I will make myself available to attend Court and give evidence.

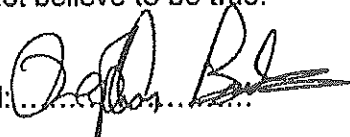
Signature of witness: .....

Witness: ..... MARK ADU-BROBBEY

**This statement, Statement Of Witness  
(C.J.Act 1967, s.9 M.C. Act 1980 S.5B; CrimPR Part 27)**

**Full Name:** Theo Bahannack  
**Age of Witness:** Over 18  
**Occupation:** Crime, Enforcement and Regulation Officer  
**Address:** 9 Holbeach Rd, London SE6 4TW

This statement, (consisting of 1 page signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable for prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signed:  .....

Date: 18<sup>th</sup> June 2019

I am employed by The London Borough of Lewisham as a Crime, Enforcement and Regulation Officer. Part of my role is to investigate matters relating to noise nuisance as required by the Environmental Protection Act 1980. At 01:20 on the 16<sup>th</sup> of June 2019, together with Mark Adu-Brobbey who is also employed by The London Borough of Lewisham in the capacity of a Crime, Enforcement and Regulation Officer, we were called by a complainant named Matthew who wanted us to witness from his property noise nuisance originating from Club Vibe.

We arrived at his property at 01:36 and could hear the noise, which was audible from within his property at 01:40. The noise was listened to on the ground floor, and then the first floor. The bass was very clear, and also the lyrics of the songs could be heard.

We left the property near 01:50, and I deem the noise to be a statutory nuisance and I felt the noise met the threshold of a breach of the abatement notice already served.

Signed:  .....

Witnessed by:  .....

Dated: 18<sup>th</sup> June 2019

### WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Mark Anthony** ..... URN:

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Age if under 18 **Over 18** ..... (if over 18 insert 'over 18') Occupation: **Crime Enforcement & Regulation Officer**

This statement (consisting of 1 page each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:



Date: 11/06/2019

Tick if witness evidence is visually recorded  (supply witness details on rear)

This is a Witness Statement of Mark ANTHONY, Crime Enforcement & Regulation Officer for the London Borough of Lewisham based at 9 Holbeach Road, Catford, London SE6 4TW. I am employed by the London Borough of Lewisham ("the Council") as a Principal Crime Enforcement and Regulation Officer within the Community Services. My duties include investigating complaints and/ or taking enforcement action in respect of Environmental Health Issues, Antisocial Behaviour, Licensing and Trading Standards related complaints,

At about 00.10am on Sunday 28<sup>th</sup> April 2019 whilst I was on Out of Hour duty with my colleague Stephen IKEBUWA, we received a call from Mr Alex MORLEY a resident of 98A Lewisham High Street complaining about loud music from two establishments at 100 - 104 Lewisham High Street, namely CLUB VIBE and ALPHA LOUNGE. Upon our arrival, he took us to his apartment. Whilst inside his apartment, we could hear very loud music in his apartment whilst the doors and windows were closed. The music was clearly perceptible and had what a very strong base sound which was vibrating through his walls. The music was very loud in all the rooms in his apartment. We were in his apartment for about 20 minutes and the music was very audible throughout the period we were in his apartment.

Alex advised us not to visit the establishments. He said that he was aware that ALPH LOUNGE have put in some measures to reduce the noise level (installation of noise limiter and sound proof in the LOUNGE) and that CLUB VIBE have advised him that he was equally in the process of installing the same. He said that since the measures have been put in place by ALPHA LOUNGE, some significant reduction in noise level have been observed, though not to the level he hoped but he is will to wait until CLUB VIBE finished doing the same in his establishment, then he would be able to ascertain the efficacy of the measures they have put in place to resolve the issues. He said that he had to play white noise to façade the noise to enable him to sleep. He was particularly more concerned with CLUB VIBE and said that since CLUB VIBE opened, the noise occurs on every five days of the week namely; Tuesday, Wednesday, Thursday, Friday and Saturdays.

Stephen IKEBUWA advised Mr MORLEY that Kelly HICKMOTT will be advised with our observation.

Signature:



Signature witnessed by:

.....

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Stephen Ikebuwa ..... URN: [ ] [ ] [ ] [ ]

Age if under 18 Over 18 ..... (if over 18 insert 'over 18') Occupation: Crime Enforcement & Regulation Officer

This statement (consisting of 1 page each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: [Signature] ..... Date: 10/06/2019

Tick if witness evidence is visually recorded [ ] (supply witness details on rear)

I am employed as Crime Enforcement and Regulation Officer, within the Community Services Section of London Borough of Lewisham. I have worked in this capacity for approximately 4 years. My duties include investigating complaints and / or taking enforcement actions in respect of Environmental Health Issues, Antisocial Behaviour, Licensing and Trading Standards related complaints.

Approximately 00:10 hours on Sunday 28th April 2018, I was on Out of Hour duty with my colleague Mark ANTHONY, when we received noise nuisance call from Mr Alex MORLEY, a resident of 98A Lewisham High Street. We attended the address of Mr MORLEY where he made complaints about noise from loud music from CLUB VIBE and ALPHA LOUNGE 100 - 104 Lewisham High Street. Whilst inside Mr MORLEY'S residence, I could hear very loud music in his apartment whilst the doors and windows were closed. The loud music, which was emanating from the location of CLUB VIBE and ALPHA LOUNGE had what appears to be very strong base sound which could be clearly heard in all the rooms in the house.

MORLEY stated "I AM AWARE THAT SOME MEASURES HAVE BEEN PUT IN PLACE BY ALPHA LOUNGE TO LIMIT THE LEVEL OF NOISE, INSULATION AND LIMITER HAS BEEN INSTALLED, BUT AS YOU CAN SEE, THERE IS NO MUCH IMPROVEMENT" or words to that effect. MORELY added, "I MUST SAY THAT THERE HAS BEEN A SLIGHT IMPROVEMENT ON THE LEVEL OF NOISE SINCE ALPHA LOUNGE INSTALLED THE SOUND LIMITER AND INSULATION HOWEVER, THE NOISE IS STILL THERE". He added, I HAD TO PLAY WHITE NOISE TO MASK THE NOISE SO I COULD SLEEP, THE NOISE IS MORE FREQUENT NOW, THERE IS MUSIC TUESDAY, WEDNESDAY, THURSDAY, FRIDAY AND SATURDAY"

I advised MORLEY that I will be forwarding my observation to Officer Kelly HICKMOTT, the officer dealing with his complaint. Mark ANTHONY and I were in MORLEY'S house for approximately 20 minutes and the music was very audible throughout the duration of our stay at MORLEY'S address.

Signature: [Signature] ..... Signature witnessed by: .....

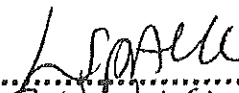
**STATEMENT OF WITNESS**  
( C.J. Act 1967, s.9 M.C. Act 1980, Criminal Procedure Rules 27.1)

Statement of:.....Lisa Spall.....


Age of witness: Over 18

Occupation of witness:.....Crime, Enforcement and Regulation Manager

*This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything*

Signed..........  
Date.....31.5.19.....

1. I, LISA SPALL, am a Crime, Enforcement and Regulation Manager of the London Borough of Lewisham's Crime, Enforcement and Regulation Service, I have been so employed since April 2010, my duties include investigating cases of anti-social behaviour, trading standards and public health and nuisance as well as being a case manager for the Licensing Authority.
2. The matter I refer to in this statement are made from my own knowledge. Where that is not the case and it is a matter of information or belief, I have stated the source of that information or belief.
3. On Sunday 25<sup>th</sup> May 2019 I was working with Alfene Rhodes carrying out late night duty officer service between 21:00 and 03:00am.
4. At 01:59 we attended Club Vibes and Alpha Lounge both located at 100-104 Lewisham High Street SE13. We were met outside by Evans who runs Alpha lounge we could hear really loud bass and music coming from the building. We asked Evans to turn off his music which he did. That made no difference to the loud music and the bass it was clear that it was coming from Club Vibes.

Signed :..........

Date: 31 / 5 / 19





**Kelly Hickmott**  
Crime Enforcement & Regulation  
Service

9 Holbeach Road  
Catford  
London SE6 4TW

Direct line 020 8314 2170  
Fax 020 8314 2594

Date 22nd May 2019  
Our ref WK/201909342

Dear Ricardo,

**BREACH OF NOISE ABATEMENT NOTICE**

Environmental Protection Act 1990, Section 80 Notice dated

Date of offence: 19th May 2019

Place of offence: Club Vibes, Second Floor, 100-104 Lewisham High Street, Hither Green,  
London, SE13 5JH

On 19/5/2019 at 02:30am officers of this department witnessed nuisance from loud music emanating from Club Vibes, Second Floor, 100-104 Lewisham High Street, Hither Green, London, SE13 5JH that was deemed to be a statutory nuisance. This was in breach of the terms of the (noise) abatement notice served upon you on 23/03/2019.

We now intend to refer this matter to this Council's legal department with a view to prosecution. In order for us to be fully appraised of all possible facts, you may wish to submit your own observations or comments upon the situation. Any such comments or observations made by you will be submitted together with my report to our legal department for their review.

Under the circumstances, in view of the seriousness of the situation, I would urge you to consult a solicitor before replying to this letter.

I am required by the code of conduct contained in the Police and Criminal Evidence Act 1984 to caution a person whom I suspect has committed an offence.

Accordingly, please note that "you do not have to say anything but it may harm your defence if you do not mention when questioned something which you later seek to rely upon in court. Anything you do say may be given in evidence."

If you wish to make any formal observations upon this allegation, please do so in writing within the next 28 working days.

Please note that this could result in a review of your licence by the Licensing Committee

Yours sincerely,

Kelly Hickmott



**Kelly Hickmott**  
Environmental Enforcement

Wearside Service Centre  
Wearside Road  
London SE13 7EZ

Direct line 020 8314 2170  
Fax 020 8314 2594

Date 28th May 2019  
Our ref WK/201909342

Dear Ricardo,

**BREACH OF NOISE ABATEMENT NOTICE**

**Environmental Protection Act 1990, Section 80 Notice dated**

**Date of offence: 26th May 2019**

**Place of offence: Club Vibe, Second Floor, 100-104 Lewisham High Street, Hither Green, London, SE13 5JH**

On 26/05/2019 at 01:59am officers of this department witnessed loud music emanating from Club Vibe, Second Floor, 100-104 Lewisham High Street, Hither Green, London, SE13 5JH that was deemed to be a statutory nuisance. This was in breach of the terms of the noise abatement notice served upon you on 23 /03/2019.

We now intend to refer this matter to this Council's legal department with a view to prosecution. In order for us to be fully appraised of all possible facts, you may wish to submit your own observations or comments upon the situation. Any such comments or observations made by you will be submitted together with my report to our legal department for their review.

Under the circumstances, in view of the seriousness of the situation, I would urge you to consult a solicitor before replying to this letter.

I am required by the code of conduct contained in the Police and Criminal Evidence Act 1984 to caution a person whom I suspect has committed an offence.

Accordingly, please note that "you do not have to say anything but it may harm your defence if you do not mention when questioned something which you later seek to rely upon in court. Anything you do say may be given in evidence."

If you wish to make any formal observations upon this allegation, please do so in writing within the next 28 working days.

Yours sincerely,

Kelly Hickmott  
CEROfficer



Crime, Enforcement & Regulation  
Service  
9 Holbeach Road  
Catford  
London  
SE6 4TW

020 8314 7237  
Kelly.hickmott@lewisham.gov.uk

Date: 28/05/2019  
Our ref:

Dear Ricardo,  
RE: Licensing Act 2003 Section 136  
Club Vibe Second Floor 100-104 Lewisham High Street SE13,  
1X Breach of Annex 3 Conditions

Following a visit to your premises on Sunday 26<sup>th</sup> May 2019 at 01:59hrs a breach was identified.

**Breach of Annex 3 Condition**

There is no entry or re-entry to the premises after 02:00hrs unless patrons wish to use the smoking area and condition remains in place until the start of next day's trading. Officers witnessed entry after 02:00hrs by security staff these were not patrons that were outside smoking and allowed re-entry.

I must remind you that operating your business in breach of an annex 3 condition on your licence are putting the licensing objectives at risk and is an offence under section 136/ (1) of the licensing Act 2003 (carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on) this falls in line with patrons being allowed entry after 02:00hrs.

**The following actions are to be completed with immediate effect**

There is no entry or re-entry to the premises after 02:00hrs unless patrons wish to use the smoking area and condition remains in place until the start of next day's trading.

Yours sincerely,

Kelly Hickmott  
CER Enforcement Officer

**Premises licence number**

PL 0190

**Premises name**

CLUB VIBES

**Part 1- Premises details****Postal address of premises, or if none, ordnance survey map reference or description**2<sup>nd</sup> Floor  
100-104 Lewisham High Street**Post town** London**Post code** SE13 5JH**Telephone number** 020 8243 8643**Premises licence holder name**

Club Vibes Ltd



Directorate for Community Services  
Crime, Enforcement & Regulation Service  
Licensing Authority  
Holbeach Office  
9 Holbeach Road  
London  
SE6 4TW

Proper Officer for Licensing  
London Borough of Lewisham

**Where licence is time limited the dates**

**Licensable activities authorised by the licence**

Provision of regulated entertainment

live music

recorded music

Sale by retail of alcohol

for consumption on premises

Late Night Refreshment

**The times the licence authorises the carrying out of licensable activities**

Regulated Entertainment:

10:00 – 04:00 Monday

10:00 – 04:00 Tuesday

10:00 – 04:00 Wednesday

10:00 – 04:00 Thursday

10:00 – 04:00 Friday

10:00 – 04:00 Saturday

12:00 – 04:00 Sunday

Alcohol:

10:00 – 03:00 Monday

10:00 – 03:00 Tuesday

10:00 – 03:00 Wednesday

10:00 – 03:00 Thursday

10:00 – 03:00 Friday

10:00 – 03:00 Saturday

12:00 – 03:00 Sunday

Late Night Refreshment:

23:00 – 03:00 Monday

23:00 – 03:00 Tuesday

23:00 – 03:00 Wednesday

23:00 – 03:00 Thursday

23:00 – 03:00 Friday

23:00 – 03:00 Saturday

23:00 – 03:00 Sunday

**The opening hours of the premises**

10.00 - 04.00 Monday to Saturday

10:00 – 04:00 Sunday

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

On

## Part 2

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Club Vibes Ltd

204 Bridgestock Road  
Thornton Heath  
CR7 7JD

**Registered number of holder, for example company number, charity number (where applicable)**

Company

11815303

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Carolina Elizabeth Puerto Santander

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol**

LN/000009127

Royal Borough of Greenwich

## **Annex 1- Mandatory conditions**

Mandatory conditions are in accordance as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014 or as may be amended from time to time.

No supply of alcohol may be made under the Premises Licence.

- (a)** At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- (b)** At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

- (a)** a holographic mark or
- (b)** an ultraviolet feature.

**1.** A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

**2.** For the purposes of the condition set out in paragraph 1

**(a)** “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

**(b)** “permitted price” is the price found by applying the formula

$$P = D + (DXV)$$

Where -

**(i)** P is the permitted price

**(ii)** D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

**(iii)** V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

**(c)** “relevant person” means, in relation to premises in respect of which there is in force a premises licence

**(i)** The holder of the premises licence

**(ii)** The designated premises supervisor (if any) in respect of such a licence, or

**(iii)** The personal licence holder who makes or authorises a supply of alcohol under such a licence;

**(d)** “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club

present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

**(e)** “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

**3.** Where the permitted price given by Paragraph **(b)** of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

**4. (1)** Sub-paragraph **(2)** applies where the permitted price given by Paragraph **(b)** of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

**(2)** The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

**a)** games or other activities which require or encourage, or are designed to require or encourage, individuals to

**(i)** drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

**(ii)** drink as much alcohol as possible (whether within a time limit or otherwise);

**b)** provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

**c)** provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

**d)** selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

**e)** dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The responsible person must ensure that-

**(a)** where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied



having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures.

**(i)** beer or cider: ½ pint;

**(ii)** gin, rum, vodka or whisky: 25 ml or 35 ml; and

**(iii)** still wine in a glass: 125 ml; and

**(b)** these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

**(c)** where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

## **Annex 2-Conditions consistent with the operating Schedule**

Anti drugs notices will be placed on the premises

When the premises are permitted to sell or supply alcoholic refreshments, no persons under the age of 18 years shall be admitted to the premises unless attending a private event but must be supervised by an adult.

CCTV is installed to data protection standards and will be made available to the Police and Licensing Authority as and when required. Recordings shall also be kept for 31 days.

Minicab and transportation signs to be displayed.

First Aid box and emergency lighting installed

Notices asking patrons to leave quietly

Management staff to attend Pubwatch sessions

### **Annex 3- Conditions attached after a hearing by the licensing authority**

The premises must maintain a comprehensive CCTV system. All entry and exit points will be covered enabling facial identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Local Authority or Police Officer throughout the preceding 31 day period.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Local Authority or Police Officer recent data or footage when requested.

There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

The premises shall prominently display signage at all entrances informing customers:-

- All persons entering this premises are liable to be searched. Agreement to search is a condition of entry. If persons do not consent entry will be refused
- All persons entering the premises will produce identification; this will be recorded on to the clubs ID system. Agreement to this is a condition of entry. If persons do not consent entry will be refused.
- Police may be called if drugs or weapons are found.
- CCTV is in operation throughout these premises and is made available to the police.
- Any person found carrying weapons or illegal drugs will be permanently excluded and the police will be informed.
- Management reserve the right to refuse entry.

A register of security personnel employed on the premises shall be maintained in a legible format and made available to Police or Local Authority Officers on request. The register should be completed by the DPS/Duty Manager at the commencement of work by each member of security staff and details recorded should include:

- Full name
- Badge number
- Time of commencement of duties
- Security Operative to sign their name against these details

At the commencement of work, security personnel should ensure that they are recorded on the CCTV system and that a clear head and shoulders image showing their face clear of any hat, glasses or other obstruction is recorded.

Two (2) SIA licensed door supervisors shall be on duty outside the entrance of the premises from 00:00 to close whilst it is open for business.

### **Annex 3- Conditions attached after a hearing by the licensing authority (cont'd)**

All persons entering or re-entering the premises shall be searched by an SIA trained member of staff and monitored by the premises CCTV system.

The designated queuing area shall be enclosed within appropriate barriers to ensure that the footway is kept clear.

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

Patrons permitted to temporarily leave and then re-enter the premises e.g to smoke shall not be permitted to take drinks or drink containers with them.

Notices shall be displayed in an area used for smoking requesting patrons to respect the needs of local residents use the area quietly.

A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open.

A currently qualified first aider must be employed on the premises at all times that the premises are open to the public. The venue will also provide first aid facilities commensurate with the type of event and customers expected.

A promotion risk assessment form will be completed and submitted to the Metropolitan Police for any events other than regular resident DJ's, no later than 14 days before the event is due to take place.

The premises shall maintain a computer based identification entry system. The details of all persons, including staff are to be passed through the system prior to being permitted entry to the premises. The details of persons recorded by the system to be made available to the Police or other authorised officers within three working days.

On Friday's and Saturday's, when the premise is open to the public for licensed activities or operating as a private, ticketed event, two (2) SIA registered door staff, of which one (1) must be female and are all employed by an Accredited Contract Scheme (ACS) registered company must be on duty.

A minimum of two (2) SIA registered door staff, of which one (1) must be female and are all employed by an Accredited Contract Scheme (ACS) registered company must be on duty from the advertised opening time or other private ticketed event Sunday to Thursday..

Two (2) SIA licensed door supervisors shall be on duty outside the entrance of the premises from 00:00 until close, whilst it is open to the public or a private event, on a Friday or Saturday.

### **Annex 3- Conditions attached after a hearing by the licensing authority (cont'd)**

All staff engaged outside the entrance to the premises, or supervising or controlling queues shall wear high visibility yellow jackets or vests

There shall be no admittance or re-admittance to the premises after 02:00, apart from temporarily entering the designated smoking area outside the premises.

An incident log shall be kept at the premises, and made available on request to an authorised Local Authority or Police Officer, which will record the following:

- a) all crimes reported to the venue
- b) All ejections of patrons
- c) any complaints received
- d) any incidents of disorder
- e) All seizure of drugs or offensive weapons
- f) any faults in the CCTV system, searching or scanning equipment
- g) any refusal of the sale of alcohol
- h) any visit by a relevant authority or emergency service

The licence holder shall enter in to an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.

Polycarbonate/plastic/toughened glass drink ware is to be used by **all** persons. All alcoholic and soft drinks are to be decanted by premises staff into such drink ware at the point of sale.

Alcohol will stop being served 20 minutes before the end time of any regulated entertainment

## **Annex 4- Plans**

Full plans available at Licensing Services, London Borough of Lewisham

Second floor – Reference - 0193

## Licensing

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**Subject:** FW: ASB complaints Lewisham High Street.

**From:** Charlotte [redacted] [mailto:charlotte [redacted]]  
**Sent:** 15 July 2019 09:21  
**To:** Licensing  
**Subject:** ASB complaints Lewisham High Street.

Dear whom it may concern

I am writing this email in regards to a complaint for the noise and anti social behaviour in my local area.

I am a resident of Lewisham High Street and for the past few months have been subjected to 2 clubs disruptions weekends and weekdays until as late as 5.30am.

Firstly I would like to highlight that both Vibes and Alpha Lounge are the clubs i am referring to. Both clubs are situated on the High Street.

I have complained to the council previous and I am aware my neighbours have too. They have been offered chances to curb the noise and behaviours of patrons but yet no change has been seen.

These clubs firstly allow dozens of cars to be parked on the pavements where the market is usually places which are not valid car park space. In turn this means when the patrons have left the clubs usually around 5am they all continue the party in their cars. Beeping horns and making "exchanges" through the windows and subsequently driving off into the night very clearly under the influence.

The club regularly attracts a spectrum of antisocial and criminal behaviour locally – drugs and vehicles and drunks in the alleyway, people making noise in the streets after closing, etc.

Dear Lewisham Council

I understand that Club Vibes, 100-104 Lewisham High Street, SE13 will have its license reviewed by Committee in August 2019.

I live very near to Club Vibes and often walk past it on my way home. When I do, it is lovely to see Lewisham High Street being so vibrantly alive and seeing happy people having an exuberant and raucous evening. The Door staff are pleasant and polite to me.

I have noticed that the parking directly outside the club seems to be shambolic, unsystematic and chaotic. It's a nuisance for those of us who are just trying to walk past and not wanting to get caught up in the Club Vibes clientele trying to park, and then enter/egress the Club. It's also difficult for taxis/Uber etc. trying to pull up near to the Club. I'm just wondering how unsafe this is as it seems to be a dangerous, disorganised hot mess!

Down my road, in the early hours of the morning – say from 2am to 4.30 am+ there is the clientele's leaving the club cacophony of noise nuisance: Of finding their cars/taxis/Ubbers, boisterous "goodbyes/plan making" and anti-social drunkenness behaviour and remonstrations. The noise is amplified as it is so quiet in our residential area at that time in the morning.

I would like to ask that if Club Vibes keep the right to hold a license to operate that they would take on the responsibilities to keep the associated noise in the commercial area of Lewisham High Street and ensure that it does not spill over into the quiet residential areas? Maybe, if they could systematically organise the parking outside, designated walkways and a designated drop off/pick area for cars/taxis/Ubbers?

At this stage I would prefer it that my name is not disclosed to Club Vibes and is only used by Lewisham Licensing in this capacity.

Yours faithfully

Denise



## Licensing

---

From: Nick [REDACTED]  
Sent: 09 July 2019 18:00  
To: Licensing  
Subject: Club Vibes

Hello

I am a resident [REDACTED] in Central Lewisham. At night, this is a quiet and fairly peaceful residential street. I understand that Club Vibes' licence is being reviewed on the 17th July and write as someone who has been affected by the noise from people attending this club.

In short, there is a lot of noise from its customers between 11pm and 5am on Saturday nights. Clarendon Rise is used for parking because it is free to park and near to the club. This means that we get a procession of cars with loud music, lots of shouting and high spirits as people arrive excited by the prospect of a club night. That is between 11pm and 1am.

From about 3am, we get people returning to their cars having had a good evening clubbing and so are getting to know other customers, saying goodbye and turning on their car sound-systems. The side-effects of this are lots of shouting and noise. This week (6th/7th), we had half-an-hour of yelling as a clubber had a flat tyre and was trying to involve lots of people in helping her so she could drive back to Birmingham. At one point, she sat in the middle of the road shouting.

I can understand that people are energetic and noisy as they attend and leave a club. What I don't think is fair is that this behaviour turns quiet residential streets into an outdoor party zone each week. Having opened a club near a residential area, I am surprised that the bar-management have not done more to mitigate and contain the noise and I am surprised that they have been granted a licence that extends to 4am.

I hope this description of my experience is helpful and I am happy to provide further information as requested.

[REDACTED]  
[REDACTED]  
Lewisham

## Licensing

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**From:** Jono [REDACTED]  
**Sent:** 09 July 2019 22:10  
**To:** Licensing  
**Subject:** FW: Club Vibes - Lewisham High Street : Noise Pollution

**From:** Jono [REDACTED]  
**Date:** Tuesday, 9 July 2019 at 22:07  
**To:** <licencing@lewisham.gov.uk>  
**Subject:** Club Vibes - Lewisham High Street : Noise Pollution

Dear Sir/Madam,

I am a resident [REDACTED] in Central Lewisham, which is a quiet residential street. I understand from neighbours that Club Vibes' licence is being reviewed on the 17th July, and write to you as someone whose family have regularly been affected by the noise from people attending this club.

There is a lot of noise from club customers between 11am and 5am on Saturday nights.

Access (11pm and 1am) Gilmore Road, Clarendon Rise and the Clarendon Rise car park are all used for parking because they are free to park, and near to the club. This means that we get a procession of cars with loud music, lots of shouting and high spirits as people arrive excited by the prospect of a club night.

Egress (from 3am): Patrons returning to their cars turning on their car sound-systems. The side-effects of this are lots of shouting and noise. The shouting is often aggressive, with swearing and fighting.

I can understand that people are energetic and noisy as they attend and leave a club. What I don't think is fair is that this behaviour turns quiet residential streets into an outdoor party zone every week. Club management have not done enough to mitigate and contain the noise and I am surprised that they have been granted a licence that extends to 4am.

I hope this description of my experience is helpful and I am happy to provide further information as requested.

[REDACTED]

12<sup>th</sup> July 2019

Sam

SE13

Dear Licensing,

I wanted to write to you to make formal representation in regards to the Review of the premises licence, under the Licensing Act 2003, of:

Club Vibes  
2<sup>nd</sup> Floor  
100-104 Lewisham High Street  
London  
SE13

I live at the same address as..., whose representation letter provides a substantive summary of the situation. I don't need to repeat it in the same detail, but I do have a several points that I wish to add:

**The context:**

- I sympathise with both the local business and the council
- A strong network of local businesses of all varieties creates a strong community that caters to a variety of tastes
- This strong community can then help foster further enterprises in a virtuous circle
- The current set up with Vibes however, does not achieve that
- Vibes has not been in situ for so long to be a local 'establishment'
- Dialogue has been attempted and failed

**The issues:**

- **Loud music at all hours** - Vibe play music at a exceptionally loud volume, many nights of the week, late into the night (the license is all nights of the week till 4 am but there are times it drifts over slightly)
- **Drunk, loud attendees** - This attracts a large number of drunk people to the area from the evening till late at night - leading to problems with further noise from those outside the club, public urination on the entrance to the flat (and there are also instances of drug deals and sex acts that I, my flatmates or visitors have seen - this I can't say is Vibes fault at all, but the environment they consistently produce does further develop it)
- **Unsafe driving** - There are also many people who drive to the club - this worries me threefold; firstly, the risk of those attending for drink driving, secondly, the risk of accidents because I often hear these cars revving / racing off, and thirdly the noise it creates because

- **Unchanged behaviours** - abatements and breaches haven't altered behaviours, and I personally have been at the flat when sound engineers have visited, seeing the management turn down the music and feign cooperation only to turn it right back up again later on

#### **The impact:**

- **An intolerable living environment** - to have this kind of nuisance and noise pollution at this frequency means that there is a reduction in my ability to sleep, which does not coincide well with a job that requires normal office hours
- **Worsened mental health** - I suffer from anxiety and depression already. Now whilst I wouldn't expect a business to change behaviours because of that, this level of noise and antisocial behaviour at late hours when I need to rest only further impacts my mental health by blocking my ability to rest, increasing stress and reducing underlying health
- **Reduced use of property** - I have friends who no longer feel comfortable visiting the property during evenings because of the atmosphere created by the antisocial attendees of the club

#### **The proposal:**

- Vibes has show its unwillingness to control the noise, and inability to control the impact of its attendees therefore:
- **Real sound control** - impose a responsible timeframe for opening hours (e.g. only till late on Fridays and Saturdays), with proper soundproofing, proper sound limitation and action if this is not adhered to
- **Proviso of no antisocial behaviour** - whilst Vibes are not responsible for the actions of individual attendees, they are for the atmosphere. If they create an atmosphere where attendees are loud, antisocial, publicly urinating and racing cars then they should not be allowed to continue to cater to these clients
- **Police / council presence and action and complaints procedure** - to ensure the above two points are held to, members of the police and council should attend the vicinity to 'keep the peace', with an adequate ability for feedback from the local residents

Dear Licensing,

I wanted to write to you to make formal representation in regards to the Review of the premises licence, under the Licensing Act 2003, of:

Club Vibes

2<sup>nd</sup> Floor

100-104 Lewisham High Street

London

SE13

There have been club premises licenced at this location for some time, but as of Club Vibes taking over the premises as of March 2019, the situation has been significantly worse than in previous years.

The sound system they have brought in has been totally unacceptable in terms of noise produced. This is an issue they have admittedly sought to rectify, but the sound insulation they have put in place is sub-par and it took them nearly five months to install a professional limiter on their system – something which should have been done immediately.

In previous years, whilst the noise was audible it was nothing like what Vibes produces now. They are fundamentally using a sound system which is *way beyond* what has been used in the past in regards to its loudness. Just because you have a licence to play music it doesn't mean you can produce the level of noise you'd expect at the main stage at Glastonbury.

And it is the regularity with which they are licenced to produce it that is most concerning. For the music to play late (until 4AM) on a Friday and a Saturday is one thing. But their licence

permits them to play until this time *every day of the week* and this is something that does happen. I have submitted diary sheets to Crime Enforcement previously, and it is a regular occurrence that there is extremely loud music playing 5 days a week, 5 days in a row.

This is an issue that Crime Enforcement, local Councillors and the local MP have been made aware of. The issue is exacerbated by having two clubs playing in the same venue, but Vibes is by far the worse and it is Vibes that is being handled as of now.

All residents have noticed the environmental change since Vibes have started up. All residents are deeply affected by the regularity of noise and knock-on antisocial behaviour that has occurred as a consequence of this club's opening. Even though similar licences have been granted to other operators in the past, the difference in this instance is massive and the change is of great detriment to the lives of those who live here. There has been a fundamental change of usage and this needs to be addressed.

It makes for a horrific and unbearable living environment to have this noise pollution pounding through the walls almost every day of the week until the small hours every morning. Crime enforcement have witnessed this several times, and the excessive nature of this noise is confirmed by them by way of an abatement and two breaches served. This isn't taking into account the numerous times Crime Enforcement have come over to witness the noise just to take note of the fact the situation is out of control and not improved.

Crime enforcement have deemed the noise situation to be a statutory violation. I have since been looking at the Law, especially in regards to the Environmental Protection Act 1990, section 79 and 80.

Section 79 F4 (g) states a noise violation as "noise emitted from premises so as to be prejudicial to health or a nuisance". The crime enforcement officers have *already ascertained* that the noise being caused by these venues is beyond excessive; they have already issued an abatement and breaches, and so we can take it as read that a statutory violation exists as of now.

F20 deems that "Noise includes vibration" – the officers will attest to the fact that furniture and the windows in the flat are vibrating with the noise.

F38 9) (d) also states that "in circumstances where a code of practice under section 71 of the M4Control of Pollution Act 1974 (noise minimisation) is applicable, regard shall also be had to guidance given in it". The law here rather strongly infers the responsibility of a governing body to take definitive enforcement action and compel a venue to effectively manage the noise production, even after the fact of the licence being granted.

In regards to human rights, this issue is in conflict with *the right to respect for privacy and family life*, the right to peace and quiet. It is in conflict with our rights under Article 8 of The Human Rights Act 1998

In regards both to the above, the witnessing thereof by Lewisham Crime Enforcement and the conclusions they have drawn, there has been enough evidence gathered to determine that the noise pollution generated by this venue is a violation both of the statutory and human rights of the residents who are subjected to this.

This affects all residents who live in the alley areas near the clubs. I hope that they will make their own representation, but I can also confirm that the residents above 108-112A are elderly and English is not their first language. They will be experiencing the worst of this as they share walls with the club, even if they don't make personal representation. 114A is another residence where English is not their first language, but they have young children living there. Whether or not they make personal representation, I can assure you – having spoken to them personally – they are deeply troubled by the noise levels and the regularity with which this is now occurring.

The sound pollution is not the only outstanding issue. Other issues affect the residents too, especially those with children. The alleyway that leads to Burton Yard splits off into two at the end. The clubs do not have permission to use the alleyway to store vehicles at night, nor to keep the black gates of the alleyway open. And yet they do, and the crime enforcement officers have witnessed this with me. The gates are open and drunk club-goers urinate in the alleyway, cars are parked there, people are smoking weed round the back, and several residents have witnessed drug deals on their own stairway into their residence. These issues are distinct but

connected. This is not a safe environment to be subjecting children to, and it is an environment that has changed for the worse since Vibes has opened.

The issues are exacerbated by the fact that the area now has a reputation for being a hotspot for late night activity, almost every day of the week, owing to the late and regular operating hours of the venue. This encourages criminal and antisocial behaviour as people know that there is activity happening there until 4AM almost every single day, so it becomes attractive as a place to spend time, and given the nature of the alleyways it is also a secretive place for antisocial/criminal behaviour to take place.

There is a new unmanaged influx of people treating the alleyway like their own toilet and drug deal spot at night, with the gates being left open by the venue security and club vehicles being kept there. I have even been aggressed by the club security for asking them to not open the gates and to not permit both foot and vehicular traffic within. Pretty much opposite Lewisham police station. All whilst unmanaged and un-soundproofed music is blasting into the residents' walls. And I would point out again that there are families with children living here. Sometimes the club will put security by the alleyway to prevent this, but they should be doing this every single time the venue is open, which is not the case.

When it comes to patrons leaving the venue at the end of a night, there is no robust system in place by the club to tell patrons to leave quietly and to disperse from the area. Whenever the clubs close, there is absolute chaos on the street of people running about drunkenly shouting and creating a massive nuisance, waking up residents all down the high street - not just those living behind.

Crime enforcement are aware of all of this but I now appeal to you to take some definitive action to regulate all of this antisocial behaviour, and to compel the first step in this regard to be taken. The treatment of the alleyway is terrible, but the music issue is horrifying. I cannot understand how these licences have been granted in the first place, and how the act of receiving a licence seems to have resulted in a green light to for Vibes to do whatever it is they want to do, however they want to do it. There are times when the music plays five nights in a row. It blasts through the wall. Their dampening is sub-par. It is terrorising and horrendous. It is sleep deprivation and is affecting my mental health and that of others. Children and the elderly live in this newly chaotic environment. There are apparently no control methods in place to manage this and it has all come to a point recently and, in my opinion, needs to be taken very seriously indeed. It is a serious issue and it is having a serious affect on my and others' lives.

I believe enough time has passed for Vibes to take matters into their own hands and behave in a way that is respectful towards residents. There has been no evidence of their doing so, as the abatement and two breaches will attest to. With that in mind, the problem areas can be boiled down to:

- The noise alone produced by this venue is inherently antisocial and a violation of human and statutory rights
- Their licence to produce this noise seven days a week until 4AM is completely unacceptable
- The club does not respect residents by playing quietly during the week; they play at full volume whenever they play
- The regularity of their opening regularly attracts a spectrum of antisocial and criminal behaviour locally – drugs and vehicles and drunks in the alleyway, people making noise in the streets after closing, etc.

The biggest issue is that a respectful living environment should be created for the residents. In my opinion this should be:

- Absolutely ZERO noise and antisocial chaos during the working week/evenings before weekdays
- This means Sunday night, Monday night, Tuesday night, Wednesday night and Thursday night the venues should be SILENT and there should be *nobody* loitering in the alleyways as consequence of their visitation of the venue

- In the absence of the venue's willingness to enforce this themselves (as they have proved themselves incapable over the last five months) I would suggest a licence to play until late ONLY Friday and Saturday night
  - Of course, all residents would prefer that the entire venue and club gets shut down entirely given the lack of respect or control they seem to have, but it is not clear if such extreme action is realistic
- A Friday/Saturday-ONLY licence is *normal* for a club venue, especially in a residential area
- Given the venue's proven inability to be respectful during the week, I would suggest either *complete removal* of a weekday licence, or that they must be shut *by 11PM*, which is again normal for a venue in a residential area (Sunday – Thursday)
- There should be on-going observation of the venue to ensure that they adhere to respectful operation in regards to residents. This means that they must keep the noise to a respectful level *even on Fridays and Saturdays*. This could even entail compelling them to use different and quieter/smaller equipment/speaker systems, given their current setup is excessively loud and regularly prevents sleep for residents.
- Enforcement of prevention of antisocial behaviour locally, including but not limited to:
  - Keeping people, drugs and vehicles out of the alleys and away from residents
  - Controlling the exit procedure of patrons at the end of the night so they disperse away from the local high street area and don't create a loud commotion which wakes residents

Kind regards,  
Alex



**Francis, Zara**

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**From:** Licensing  
**Sent:** 19 July 2019 10:22  
**To:** Francis, Zara  
**Subject:** FW: Vibes club complaint in lewisham high street SE13

-----Original Message-----

**From:** Saray  
**Sent:** 18 July 2019 18:01  
**To:** Licensing  
**Cc:**  
**Subject:** Vibes club complaint in lewisham high street SE13

To whom it may concern

Residents have been complaining about the noise of the club which happens now daily until 4am and unfortunately the anti social behaviour has risen due to the opening of this club.

My concern is for the health and security of my family. I have two elderly disabled retired parents and their grandchildren feel afraid to visit because the alley way has been difficult to enter their home this is because vehicles block the entrance and fire exit evacuation, which disallow residents to leave the alley way and top it off we have seen an increase of anti social behaviour in the alley including drug dealing. My parents sometimes require the need of an ambulance due to the health and having vehicle on the alley blocking the entrance it's totally unacceptable. One evening I and one of the residents bumped into a drug dealer in the middle of our private communal stairs which frightened us all for

and . This was reported to our MP and police hold records of complaint since the opening of this club. It has come to a point that to leave the alley has become frightened for residents as they bump with random odd people daily. This is totally unacceptable that residents have to live in this inhuman manner. The council has not taken seriously or consider this matter and not even taken into account the criminality which occurred in the past in burton alley way such as resident been assaulted due to lack of protection and security. The security it's totally weak, the promise of cameras to be installed by the council has not happen therefore vandalism on the main weak black gate installed by the council has been damaged and now with the club it has made matter worse.

There is also residents at with children living there which also experience this behaviour.

I have spoken verbally to residents and they are not happy with the anti social behaviour, increase of noise and lack of security concerning the alley way therefore residents support the complaint of Alex Saray

# Agenda Item 4

## LICENSING COMMITTEE

<b>Report Title</b>	The Brockley Brewing Company Ltd	
<b>Key Decision</b>	No	Item No. 4
<b>Ward</b>	Brockley	
<b>Contributors</b>	Community Services – Licensing Authority Head of Law	
<b>Class</b>	Part 1	Date: 27 August 2019

**Proposal:** Premises Licence Variation Application

**Legislation:** Licensing Act 2003

**Premises:** The Brockley Brewing Company Ltd, 31 Harcourt Road, SE4 2AJ

**Applicants:** Michael Basquill

### **This is an application for a Variation of the Premises Licence**

#### **1. Current Licence Status**

The premises are currently licensed for the following Sale by retails of alcohol

10:00 – 18:00 Wednesday  
09:00 – 19:00 Thursday  
17:00 – 21:00 Friday - On  
12:00 – 21:00 Saturday - On  
09:00 – 21:00 Friday & Saturday – Off

#### **2. Particulars of Application Applied for**

Variation of current licensable activity, to permit the sale by retail of alcohol for consumption on and off the premises at the following times:

On Sales

Monday to Sunday 1200-2100

Off Sales

Monday to Sunday 0900-2100

#### **3. Outline of representations received**

- 3.1 The application for the variation of the premises licence was received on 4 July 2019 and sent to all the Responsible Authorities.
- 3.2 There were no representations from any responsible authorities. 2 identical representations were received from residents in a nearby house.
- 3.3 The representations received from interested parties, have been examined by Officers and are considered not to be vexatious or frivolous. These representations were all received within the specified time.
- 3.4 The application for the variation of a premises licence has been advertised in accordance with Regulation 25; an advert in a local newspaper and notices prominently displayed at the premises. The last date for receiving representations was the 5 August 2019.
- 3.5 The objection to the application is on grounds of prevention of public nuisance due to concerns around noise nuisance from the premises and its customers.
- 3.6 Conditions have been agreed between the applicant and the Licensing Authority and Police.

#### **4. Legal & Human Rights Implications**

- 4.1 The Licensing authority is a public authority under the Human Rights Act 1998. Therefore the licensing authority is required to act compatibly with the convention rights in the exercise of their functions. Article 6 (1) of the Convention provides that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial hearing established by law.
- 4.2 A Premises Licence is a possession for the purpose of the Human Rights Act 1998. The right to hold a licence is a qualified rather than an absolute right. Therefore the right to hold a licence may be interfered with if it affects the interests of local residents or others. Such interference may be justified if it is necessary and proportionate to promote the licensing objectives.

#### **5. Equalities Implications**

- 5.1 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 5.2 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
  - eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - advance equality of opportunity between people who share a protected characteristic and those who do not.
  - foster good relations between people who share a protected characteristic and those who do not.

- 5.3 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed above above.
- 5.4 The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.
- 5.5 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>
- <https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>
- 5.6 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- [The essential guide to the public sector equality duty](#)
  - [Meeting the equality duty in policy and decision-making](#)
  - [Engagement and the equality duty: A guide for public authorities](#)
  - [Objectives and the equality duty. A guide for public authorities](#)
  - [Equality Information and the Equality Duty: A Guide for Public Authorities](#)
- 5.7 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

## **6. Application for the Variation of a Premises Licence**

6.1 The steps available to the Licensing Authority:  
(a) to modify the conditions of the licence;  
(b) to reject the whole or part of the application.

6.2 An appeal may be made against the decision to the Magistrates Court within 21 days.

Background Papers

<u>Short Title of</u>	<u>Date</u>	<u>Appendix</u>
<u>Document</u>		
Application for Variation	4 July 2019	
Representations	As dated in attached documents	
Agreed conditions	5 August 2019	

Should you require any further information on this report please contact Lisa Hooper, Licensing Authority Officer on 02083146324



\* required information

**Section 1 of 18**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	PL1018	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes       No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

* First name	Michael
* Family name	Basquill
* E-mail	Mikebasquillconsulting@gmail.com

Main telephone number	0044 7538 698138	Include country code.
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Other telephone number	
------------------------	--

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

Is your business registered in the UK with Companies House?	<input checked="" type="radio"/> Yes <input type="radio"/> No
---	---

Note: completing the Applicant Business section is optional in this form.

Registration number	0805 2311
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Business name	The Brockley Brewing Company Ltd
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If your business is registered, use its registered name.

VAT number	GB	143017354
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Put "none" if you are not registered for VAT.

Legal status	Private Limited Company
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*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 18**

**APPLICATION DETAILS**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Premises Contact Details**

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

4,850

### Section 3 of 18

#### VARIATION

Do you want the proposed variation to have effect as soon as possible?  Yes  No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes  No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

#### Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

Variation to current on- and off-sales licence permitting as follows :

Off-sales - Daily Mon:Sun - 0900-2100

On-sales - Daily Mon:Sun - 1200- 2100

The premises comprises a single storey brick built, flat roof workshop/light industrial building, constructed in the 1950/60's. All external doors are metal, with metal frames. Windows are Crittal metal framed, with obscured Georgian wired glazing. The floor is solid mass concrete construction, and there is a wc/whb in a small annexe to the main building. The building has mains water, electricity and drainage; there is no gas supply.

The premises is used as a commercial brewery (5 barrel), and has a bar and seating area for people to sample and for on-sales. The location is on the back edge of the pavement in Harcourt Road, a residential street close to shops and other amenities mainly in Brockley Road.

The premises are very small, and unable to accommodate more than about 50 people in total; we are very aware of issues around overcrowding, and close to new customers if numbers on the premises are getting too high. Any events which we have, such as the Brockley Max Poetry Night, are ticketed, with a limit on sales.

### Section 4 of 18

#### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes  No

### Section 5 of 18



*Continued from previous page...*

**PROVISION OF FILMS**

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

- Yes  No

**Section 6 of 18**

**PROVISION OF INDOOR SPORTING EVENTS**

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes  No

**Section 7 of 18**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes  No

**Section 8 of 18**

**PROVISION OF LIVE MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes  No

**Section 9 of 18**

**PROVISION OF RECORDED MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes  No

**Section 10 of 18**

**PROVISION OF PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes  No

**Section 11 of 18**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Continued from previous page...

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes  No

**Section 12 of 18**

**PROVISION OF LATE NIGHT REFRESHMENT**

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes  No

**Section 13 of 18**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises
- Off the premises
- Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

No seasonal variations , but the application is for off sales 0900-2100, and on-sales 1200-2100 daily

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

None

**Section 14 of 18**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

**Section 15 of 18**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="18:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="19:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="17:00"/>	End	<input type="text" value="21:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="21:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

None  
Note above , Weds & Thurs are off sales only, Fri & Sat are both off & on sales  
We currently exercise the TENs process for special events , such as the Brockley Max Festival Poetry night .

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

*Continued from previous page...*

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

None

- I have enclosed the premises licence  
 I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

## Section 16 of 18

### LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

We are an ethical local business and give the promotion of the four licensing objectives the highest priority. We have operated the brewery at 31 Harcourt road, SE4 2AJ, for over six years, and the bar for five years, to the highest standards, which we will continue to enforce.

b) The prevention of crime and disorder

We recognise that we have a duty to do all that is reasonably possible to reduce and prevent crime and disorder within, and in the vicinity of the brewery premises.

We are observant of the following legislation:

- Crime & Disorder Act 1998
- Violent Crime Reduction Act 2006
- Anti-Social Behaviour Act 2003
- Health Act 2006
- Clean Neighbourhoods & Environment Act 2005
- Licencing Act 2003

We recognise that the obligation of a licence holder taking responsibility under this objective is to regulate behaviour on and in the environs of premises that have access to licensable activities.

Crime Prevention

The brewery is located in Harcourt Rd , Brockley , and is accessed directly off the pavement. The premises are small, and all parts are easily visible to staff . This facilitates thorough supervision of all those on the premises by members of staff.

We enforce responsible behaviours around the off- and on-sale of alcohol, and of the conduct of customers remaining on the premises to drink, as well as ensuring the orderly departure of customers from the premises. We ensure there are at least two members of staff on the premises to supervise.

*Continued from previous page...*

c) Public safety

We are aware that public safety is defined as ensuring the physical safety of those working in or otherwise frequenting the premises. We will ensure that only suitably trained personnel will be working in the premises, and that there will be present at least one of the seven owners of the business on a daily basis.

Public access will be monitored during these hours. We regulate the numbers of the public who are on the premises, which are small enough to permit thorough supervision of those in the room. Lines of vision are clear, and any inappropriate, or concerning behaviour is instantly apparent and acted upon. Overcrowding, will be carefully monitored, and in the event of which, on-sales will be terminated.

Fire Regulations

We have undertaken a Fire Risk Assessment which is available for inspection. This covers extinguishers and other firefighting equipment, means of escape, lighting, and signage.

Health & Safety

We have undertaken a Health & Safety Risk Assessment which is available for inspection.

Food Safety

The premises and beer production processes will comply with the relevant Food Safety regulations. These are detailed in our HACCP

d) The prevention of public nuisance

We will take all reasonable steps to prevent disruption to our neighbours. We have six years' experience of managing on- and off-sales at Harcourt Road, which we are acutely aware is located at the back edge of the pavement in the middle of a residential street. We conducted earlier this year a survey of residents, seeking their views on our presence as neighbours, attached with results. This was mostly positive, and we acted upon a couple of issues raised by increasing the amount of staff on duty at busy periods, and stopping the playing of live amplified music.

We have consulted with neighbours regarding this application to vary the hours of permitted on- and off-sales

Specifically, we will

- Ensure that any activities within the premises are strictly monitored and comply with brewery policy and the law
- Ensure that rubbish and litter produced will be collected and/or swept up and disposed. This includes anything deposited on the forecourt.

e) The protection of children from harm

Children will only be allowed access to the premises if accompanied and supervised by an adult.

A series of checks will be in place to ensure that alcohol is not sold to those under 18 years of age:

- A notice on our website that under no circumstances do we sell to under-18's
- Advice on our website that we operate a Challenge 25 policy, meaning that we will ask for ID, For example a driver's licence, a passport or an approved document with the PASS hologram ([www.pass-scheme.org.uk](http://www.pass-scheme.org.uk))
- People will be encouraged to register when they purchase, and will be asked an age-related question.
- Packaging related to direct sales to the public will encourage responsible drinking and advise that the minimum drinking age is 18
- The recorded telephone message on our sales line will state that we do not sell to under-18's
- We will encourage payment by card, but will request proof of age ID where there is any doubt.

**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

## Section 18 of 18

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Please go to this link for fees <http://www.lewisham.gov.uk/Business/LicencesAndStreetTrading/AlcoholAndEntertainmentLicences/FeesList.htm>

\* Fee amount (£)

190.00

### DECLARATION

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

Michael Basquill

\* Capacity

Director & Personal Licence Holder

\* Date

03 / 07 / 2019  
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/lewisham/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.



**OFFICE USE ONLY**

Applicant reference number	<input type="text" value="PL1018"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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# Lewisham

SUMMARY  
TO BE DISPLAYED

Premises licence number

PL 1018

Premises name

THE BROCKLEY BREWING COMPANY LTD

## Part 1- Premises details

Postal address of premises, or if none, ordnance survey map reference or description

31 Harcourt Road

Post town London

Post code SE4 2AJ

Telephone number

Premises licence holder name

The Brockley Brewing Company Ltd

Directorate for Community Services  
Crime, Enforcement & Regulation Service  
Licensing Authority  
Holbeach Office  
9 Holbeach Road  
London  
SE6 4TW

Proper Officer for Licensing  
London Borough of Lewisham

Where licence is time limited the dates

Licensable activities authorised by the licence

Sale by retail of alcohol  
for consumption on and off the premises

The times the licence authorises the carrying out of licensable activities

10:00 – 18:00	Wednesday
09:00 – 19:00	Thursday
17:00 – 21:00	Friday - On
09:00 – 21:00	Friday & Saturday – Off
12:00 – 21:00	Saturday - On

The opening hours of the premises

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Off – Wednesday to Saturday  
On – Friday & Saturday

**Part 2**

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

The Brockley Brewing Company Ltd  
31 Harcourt Road  
London  
SE4 2AJ

Registered number of holder, for example company number, charity number (where applicable)

08052311

Limited Liability Company

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Michael Basquil

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

13/00119/LAPER

London Borough of Bromley



**Mandatory Conditions,**  
**Brockley Brewing Company, 31 Harcourt Road, SE4 2AJ**

No supply of alcohol may be made under the Premises Licence.

- (a)** At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- (b)** At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

- (a)** a holographic mark or
- (b)** an ultraviolet feature.

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1

- (a)** “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b)** “permitted price” is the price found by applying the formula

$$P = D + (DXV)$$

Where -

- (i)** P is the permitted price
- (ii)** D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii)** V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c)** “relevant person” means, in relation to premises in respect of which there is in force a premises licence
  - (i)** The holder of the premises licence
  - (ii)** The designated premises supervisor (if any) in respect of such a licence, or
  - (iii)** The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d)** “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e)** “value added tax” means value added tax charged in accordance with the

Harcourt Road  
Brockley  
London  
SE4 2AJ

22<sup>nd</sup> July 2019

Crime, Enforcement and Regulation Service (Licensing Authority)  
9 Holbeach Road  
London  
SE6 4TW

I am writing to object to the licensing application submitted by Brockley Brewery, Harcourt Road. I live close to the premises, so am directly impacted by their activities, which I have witnessed at close hand.

I am objecting for the following reasons.

- This is just the latest step on an ongoing road
- Any changes at these premises make a huge, binary, impact as it is the only business on the road
- The end time on the application is not the end time of the impact on local residents

In the past few years, The Brockley Brewery have extended and further extended their license. I don't know their exact previous opening times, no doubt you have a record of their past licenses, but I believe they used to be open on a Saturday until 6pm, then 7pm, then 8pm. At this time, they didn't open on Sundays but they do now; initially just some Sundays for two or three hours, but now more Sundays and later into the evening.

My concern is that if the noon – 9pm seven days a week is granted, and I don't believe they should be allowed to be open that long anyway, they will then apply for 11pm closing. Then they will apply for a music license, then a beer garden license, then a midnight license on special days, etc. The minor increase followed by minor increase, followed by this now major change request has to stop.

Brockley Brewery is the only business on Harcourt Road, which is a quiet residential street away from the main road. At the end of the road where the Brewery is, it is surrounded only by other quiet residential streets away from main roads. There are no shops, restaurants or other bars on Harcourt Road. This means that when the Brewery is operating as a drink-on premises it changes completely the tone and status of the whole road. When the Brewery is closed, there is no noise. It is possible to sit in your lounge with no TV or radio on, hear nothing and read a book. This is not possible when the Brewery is open as a drink-on premises.

Although the premises are small, they do seem to squeeze a lot of people in there. Often some people, mostly smokers, congregate outside on the street. The Brewery even place beer barrels with cushions on top out on the street for people to sit on, encouraging them to loiter there. There is a sign on the door saying no drinks outside, but we have seen people drinking on the street on a number of occasions, as recently as two weekends ago. Harcourt Road is a narrow street, with hardly any footpath, so anyone outside the Brewery, sitting or standing, causes difficulties for those trying to pass, especially for those with a pram or wheelchair. The people outside not only cause obstructions, but noise too. There is laughter and loud conversation as would be expected from people who have had a few drinks.

It is not just people outside that create a noise issue. The noise from the people inside also permeates out on to the street, especially in the Summer months, when the double doors are kept open and there is nothing to even attempt to keep the noise in.

The people in the street are not just there during the licensing hours. The impact of noisy, drink-filled people continuing to hang around on the street, talking, laughing, waiting for taxis extends to about an hour after the current Saturday night license of 9pm. Should the Brewery request and be granted extensions until 11pm, based on current events, we can expect noise until midnight.

To conclude, and in summary, I am objecting for the following reasons.

- This is just the latest step on an ongoing road
- Any changes at the premises make a huge, binary, impact as it is the only business on the road
- The end time on the application is not the end time of the impact on local residents

Yours Sincerely,



<b>LICENSING COMMITTEE</b>		
<b>Report Title</b>	<b>Exclusion of the Press and Public</b>	
<b>Key Decision</b>		<b>Item No. 5</b>
<b>Ward</b>		
<b>Contributors</b>	<b>Chief Executive</b>	
<b>Class</b>	<b>Part 1</b>	<b>Date 27 August 2019</b>

## **Recommendation**

It is recommended that under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs [3, 4 and 5] of Part 1 of Schedule 12(A) of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

6. Catford Food Centre 91 Rushey Green SE6 4JD