



AGENDA

LICENSING COMMITTEE

Date: TUESDAY, 10 SEPTEMBER 2019 at 7.15 pm

**Committee Room 3
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 and 7 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 Hordijkenko
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: 2 September 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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Agenda Item 1

LICENSING COMMITTEE			
Report Title	Minutes		
Key Decision			Item No. 1
Ward			
Contributors	Chief Executive		
Class	Part 1	Date: 10 September 2019	

Recommendation

That the Minutes of the meeting of the Licensing Committee, held on 27 August 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: 10 September 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		
Report Title	Alpha Lounge and Bar	
Key Decision	No	Item No. 3
Ward	Evelyn	
Contributors	Community Services – Licensing Authority Head of Law	
Class	Part 1	Date: 10 September 2019

Proposal: Premises Licence Review

Legislation: Licensing Act 2003

Premises: Alpha Lounge and Bar 100-104 Lewisham High Street SE13
5JH

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

1. Current Licence Status

1.1 The premises are currently licensed for the following activities:

Alcohol

11:00 – 02:00 Monday
11:00 – 02:00 Tuesday
11:00 – 02:00 Wednesday
11:00 – 04:00 Thursday
11:00 – 05:00 Friday
11:00 – 05:00 Saturday
11:00 – 03:00 Sunday

Regulated Entertainment

11:00 – 02:00 Monday
11:00 – 02:00 Tuesday
11:00 – 02:00 Wednesday
11:00 – 04:00 Thursday
11:00 – 05:00 Friday
11:00 – 05:00 Saturday
11:00 – 03:00 Sunday

Late Night Refreshment

23:00 – 02:00 Monday
23:00 – 02:00 Tuesday
23:00 – 02:00 Wednesday
23:00 – 04:00 Thursday
23:00 – 05:00 Friday
23:00 – 05:00 Saturday
23:00 – 03:00 Sunday

Seasonal Variation:

Any day preceding a bank holiday until 06:00

Alcohol & Late Night Refreshment– Takeaway and delivery hours

11:00 – 02:30 Sunday to Wednesday
11:00 – 04:00 Thursday to Saturday

- 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 There have been ongoing complaints received around the impact the premises is having on public nuisance in the area. The premises have put at serious risk two of the licensing objectives; that of public safety and the prevention of public nuisance. There is also evidence of regular incidents of noise nuisance and the service of an abatement notice and at least one breach of that notice as well as a breach of a licensing condition.
- 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 16 August 2019.
- 2.3 Two representations were received from 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

Alpha Lounge & Bar First 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) Evans Olekanma

Number of premises licence or club premises certificate (if known) PL1220

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(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 Alpha Lounge, First Floor 100-104 Lewisham High Street SE13

This is following an application that has also been submitted for another club on the second floor of the same building (Club Vibes) to this premises and the ongoing complaints received around the impact both these premises is having on public nuisance in area it is felt that a review of the licence is needed.

I believe that the premises have put at serious risk two of the Licensing objectives. The grounds upon which I am applying for this review is that this premises is negatively impacting on the licensing objectives of public safety and the prevention of public nuisance. I am in possession of evidence of regular incidents of noise nuisance and a breach of a licensing condition.

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

On the 17th March 2019 Officers witnessed that Alpha Lounge 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 conditions on their licence again a breach letter was served in line with the above section.

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

Since 13th February 2019 the Crime Enforcement and Regulation Service have been in receipt of complaints of excessively loud music and bass coming from Alpha Lounge. The resident who has complained is living in very close proximity to the premises.

As the officer investigating the case I have been working with Alpha Lounge and the resident to try and deal with the noise issues but have been unable to get to a suitable resolution.

On 16th March 2019 Officers from CERS visited the club when carrying out a visit to the complainants address. At the time of the visit officers deemed the level of music to be a statutory nuisance.

Additionally in the early hours of 17th March 2019 as part of the same visit Officers witnessed that Alpha Lounge 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 conditions on their licence:

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.

An abatement notice was served on 27th March 2019 for the statutory nuisance witnessed on the 16th March 2019. (NOTE: in the letters issued to the club the date was put as the 23rd of March by mistake) and a breach letter for the breach of licence was also served on the 21 March 2019.

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 Alpha Lounge and Club Vibe on Saturday 27th of April, 18th May and the 26th 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 different residents that live in close proximity to the clubs. It's not just the music noise that has been reported by these residents but they are also affected by the level of noise from patrons that are attending both Club Vibes and Alpha Lounge and leaving the premises at the early hours of the morning.

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 16th 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.

Officers made a further visit on the Friday 13th July 2019 at 01:50hrs to the outside of the building of both Alpha Lounge and Club Vibe and could clearly hear music from both clubs on the street. Upon entering both the premises they could clearly distinguish who was playing what music. In Alpha lounge the bass was strong and pronounced whilst Club Vibe was also loud. Officers deemed this level of sound likely to be a nuisance should they have heard from the complainants property.

Following the review application submitted for Club Vibes on the 19th June 2019, a significant number of representations have been made by the public, these highlighted complaints and concerns about both premises contributing to noise nuisance and anti-social behaviour that is impacting on the nearby residential roads.

Given all of this evidence it is felt that a review of the premises licence should be undertaken to address these concerns as this premises is clearly also contributing to the problems experienced by residents in the area.

Statements are enclosed.

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

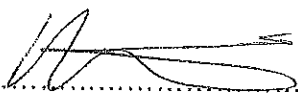
Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date 18/7/2019

Capacity CER OFFICER

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

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.



ALPHA LOUNGE
FIRST FLOOR
100-104 LEWISHAM HIGH STREET
SE13 5JH

Crime Enforcement &
Regulation Service
9 Holbeach Road,
Catford
London SE6 4TW
Direct line 020 8314 7237
Email: Kelly.hickmott@lewisham.gov.uk

21/03/ 2019
Our ref:

Dear Evans,

**Re: Licensing Act 2003
2 Breaches of Annex 2 Conditions**

Following our visit to your premises on Sunday 17th March 2019 at 2:00am 2 breaches of your licence were identified, these were:

Breaches of Annex 2 Conditions identified-

A noise limiter must be fitted and maintained within the premises. The level of this meter must be set in accordance with required legislation and standards by a qualified sound engineer, as so not to cause a noise nuisance. The limiter must be sealed in such a way that no unauthorised person can tamper with it. All amplified music played at the premises must be passed through the noise limiter. An annual calibration of the noise limiter must take place by a qualified sound engineer and recorded in the incident book. The Noise limiter must be fitted within one month of the granting of this licence (15th Jan 2019). This was not the case when I visited.

There is no entry or re-entry to the premises after 02:00hrs unless patrons wish to use the smoking area and this condition remains in place until the start of the next day's trading. Myself and colleague Valda witnessed entry after 2am but security staff these were not patrons that were outside smoking and allowed re-entry.

The following actions are to be completed within the next 14 days:

A noise limiter must be fitted and maintained within the premises. The level of this meter must be set in accordance with required legislation and standards by a qualified sound engineer, as so not to cause a noise nuisance this was supposed to be completed by the (15th of January 2019) **this now needs to be completed no later than 2 weeks from the date at the top of this letter.**

There is no entry or re-entry to the premises after 02:00hrs unless patrons wish to use the smoking area and this condition remains in place until the start of the next day's trading. Myself and colleague Valda witnessed entry After 2am by security staff these were not patrons that were outside smoking and allowed re-entry. **(With immediate effect)**

If these actions have not been met then we may take further action against you which could result in a review of your licence at committee.

If you wish to discuss this matter further do not hesitate to contact me on the above telephone number.

Many thanks

  121782 SE

Crime, Enforcement & Regulation Officer



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.....*L Spall*.....
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 25th 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 :.....*L Spall*..... **Date:** *31 / 5 / 19*

Witness : **Page 22** **Date:**

5. We asked security if we could speak with Richardo who runs Club Vibes was available they ushered us to go upstairs unfortunately this was not an easy task as there were so many people being allowed in after 02:00am that the stairwells were packed with people. For officer safety reasons we withdrew and asked security to get Richardo to come to the main entrance. While waiting for Richardo security continued to let people into the premises after the 02:00am cut off point. On the premises licence they are not allow to admit or re-admit people after 02:00am this was being fully disregarded and people were still being admitted well after 02:00am this is a breach of the premises licence.

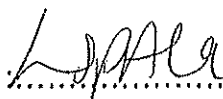
6. When Richardo came downstairs we asked him if he could hear the excessive bass and the music to which he replied yes we told him that we had asked Alpha Lounge to turn off their music and that the bass and music was solely coming from Club Vibes he allegedly radioed someone to turn the bass down which made no difference at all. We discussed the issue of excessively loud music and base and that the council have already served an abatement notice and it has already been breached once in the last week. Richardo said that he had used the same company as Alpha Lounge to do his sound issues and install a noise limiter. He said again when challenged that he would send us the sound report. I asked him if he thought that this was acceptable which he replied no. I then advised him that following a earlier meeting which he had had in the week that we would have to now seek a review of his premises licence which he accepted.

7. I explained that he should not be allowing people at which point the radioed the door staff to get them to stop letting people into the premises. Although we still witnessed up till 02:30 people being admitted to the premises.

8. While on site we asked Richardo to turn down the bass but even turning it down had no real effect from the outside of the club you could still hear the windows vibrating and the music clearly.

9. We left the premises at 02:33 at that time the bass was still loud and there was still a queue of people waiting to go into the venue both even after speaking to Richardo.

10. I believe that the facts stated in this witness statement are true.

Signed: 

Date: 31/5/19

Witness : Page 23 Date: _____

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.....*L Spall*.....
Date.....*28/5/19*.....

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 Saturday 24th 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 :.....*L Spall*.....

Date: *28/5/19*

Witness :.....*Alfene Rhodes*.....

Date: *28/5/19*

5. We asked security if we could speak with Richardo who runs Club Vibes was available they ushered us to go upstairs unfortunately this was not an easy task as there were so many people being allowed in after 02:00am that the stairwells were packed with people. For officer safety reasons we withdrew and asked security to get Richardo to come to the main entrance. While waiting for Richardo security continued to let people into the premises after the 02:00am cut off point. On the premises licence they are not allow to admit or re-admit people after 02:00am this was being fully disregarded and people were still being admitted well after 02:00am this is a breach of the premises licence.

6. When Richardo came downstairs we asked him if he could hear the excessive bass and the music to which he replied yes we told him that we had asked Alpha Lounge to turn off their music and that the bass and music was solely coming from Club Vibes he allegedly radioed someone to turn the bass down which made no difference at all. We discussed the issue of excessively loud music and base and that the council have already served an abatement notice and it has already been breached once in the last week. Richardo said that he had used the same company as Alpha Lounge to do his sound issues and install a noise limiter. He said again when challenged that he would send us the sound report. I asked him if he thought that this was acceptable which he replied no. I then advised him that following a earlier meeting which he had had in the week that we would have to now seek a review of his premises licence which he accepted.

7. I explained that he should not be allowing people at which point the radioed the door staff to get them to stop letting people into the premises. Although we still witnessed up till 02:30 people being admitted to the premises.

8. While on site we asked Richardo to turn down the bass but even turning it down had no real effect from the outside of the club you could still hear the windows vibrating and the music clearly.

9. We left the premises at 02:33 at that time the bass was still loud and there was still a queue of people waiting to go into the venue both even after speaking to Richardo.

10. I believe that the facts stated in this witness statement are true.

Signed : *[Signature]* Date: 28/5/19

Witness : *[Signature]* Date: 28/5/19

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:

Four empty rectangular boxes for URN details.

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: [Handwritten 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 28th 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 [redacted] 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: [Handwritten Signature]

Signature witnessed by:

Witness contact details

Home address:
..... Postcode:
Home telephone number Work telephone number
Mobile/pager number Email address:
Preferred means of contact:
Male / Female (delete as applicable) Date and place of birth:
Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? Yes / No. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:
Signature of parent/guardian/appropriate adult: Print name:
Address and telephone number if different from above:

Statement taken by (print name): Station:

Time and place statement taken:

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:

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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: 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 ~~100~~ 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 witnessed by:

Witness contact details

Home address:
 Postcode:
 Home telephone number Work telephone number
 Mobile/pager number Email address:
 Preferred means of contact:
 Male / Female (delete as applicable) Date and place of birth:
 Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
Yes / No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter:
(obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:
 Signature of parent/guardian/appropriate adult: Print name:
 Address and telephone number if different from above:

Statement taken by (print name): Station:

Time and place statement taken:

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 [REDACTED] Lewisham High Street.

On 19th 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

and we explained that the noise was causing a nuisance and we would be issuing a breach notice for the noise. While talking to the owner of Alpha Lounge we witnessed people coming from the club, smoking joints and urinating down the side of the club which is the access to the complainant's property. There were also cars owned by the owners of Alpha Lounge and Club Vibes parked in the alleyway down to the complainant's property. We advised them that if there was an emergency at one of the properties the alley way leads to emergency services would not be able to gain access and that they should not park there. We also told them that their patrons should not be using the area to smoke and urinate.

The owner of Alpha Lounge advised that they had been working with our colleague Kelly Hickmott and recently had professionally installed a noise limiter which they could not alter. They therefore believe the noise is not coming from their premises.

Since visiting the premises and having spoken to Kelly Hickmott we have found out that Club Vibes does not have a noise limiter.

The noise however I believe to be a combination of both premises as they both adjoin the complainant's property.

We were at the venue until 3:45am and during the time we were on the street I witnessed patrons being admitted to the clubs even though there is a no entry or re-entry after 2am condition on the licences.

Signed:  (witness)

Date: 7 / 6 / 19

Signed: 

Date: 7th June 2019

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")

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 16th day of July 2019.

Signature.....

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 role, my colleague Theo Bahannack and I were on duty on Friday 12th July 2019 from 9pm to 3am. At approximately 0150hrs, we visited Club Vibe and Alpha Lounge. Before entering the premises, we could clearly hear music from both venues while standing in the alleyway next to it. I could clearly hear the song 'drop it like its hot' by the artist known as 'Snoop Dogg' and at the same time an afrobeats song with a very strong bassline. Upon entering Alpha Lounge, the same afrobeats song seemed to be playing, with the bass still strong and pronounced.

We then made our way upstairs to Club vibe, where the song '21 questions' by the artist known as '50 Cent' was now playing. Despite there only being approximately 8-10 people in attendance, the music was still very loud.

In my opinion, it is highly likely we would have deemed the nuisance from both Alpha Lounge and Club Vibe a statutory nuisance, should we have witnessed it from a complainant's property.

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

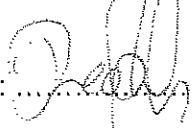
Signature of witness:

Witness:

**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: 

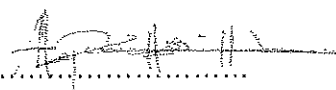
Date: 16th July 2019

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 01:55 on the 13th of July 2019, together with Mark Adu-Brobbe who is also employed by The London Borough of Lewisham in the capacity of a Crime, Enforcement and Regulation Officer, we walked to the alleyway some 10 metres or so from the entrance of the premises of both Club Vibes and Alpha at 100-104 Lewisham High Street, London, SE13 5JH.

We could clearly hear music from two different sources. The louder sound was nearer with prominent bass, whilst the other seemed slightly further away with more treble. We then proceeded to the entrance of the building, and after identifying ourselves to the door staff, we went upstairs to determine the source of the music. The lower floor, Alpha, is where the music with the bass was coming from. It was quite busy, with most of the patrons seated. We proceeded upstairs and entered Club Vibes, where the music was of a similar volume level, but with more treble. There were between 7-8 people inside the venue.

We left the property at 02.00. It is of my opinion that had we been called to witness the music from a neighbouring residential property, the music from both venues would meet the threshold of a Statutory Nuisance.

Signed: 

Witnessed by: 

Dated: 16th July 2019



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/201909285

Dear Evans,

BREACH OF NOISE ABATEMENT NOTICE

Environmental Protection Act 1990, Section 80 Notice dated

Date of offence: 21st May 2019

Place of offence: Alpha Lounge Bar & Restaurant, First Floor, 100-104 Lewisham High Street, Hither Green, London, SE13 5JH

On 18/05/2019 at 02:30am officers of this department witnessed noise nuisance from loud music emanating from Alpha Lounge Bar & Restaurant, First 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 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 apprised 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



LONDON BOROUGH OF LEWISHAM
ENVIRONMENTAL PROTECTION ACT 1990, section 80

Abatement Notice in respect of a Statutory Noise Nuisance

To: EVANS, ALFRED

of: ALPHA HOUSE, First Floor, 104 Lewisham High Street

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:

ALPHA HOUSE, First Floor, 104 Lewisham High Street

within the district of the said Council arising from: nuisance 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 21 / 05 / 2019

Time Copy Served 15.00 am/pm (Signed)

Address to which all communications should be sent:

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

Kenny H. Cr. 0011 (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

NOTES

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:-

APPEALS UNDER SECTION 80(3) OF THE ENVIRONMENTAL PROTECTION ACT ('the 1990 Act')

2. (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act against an abatement notice served upon him by a Local Authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in circumstances of the particular case -
 - (a) that the abatement notice is not justified by section 80(3) of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice; or in, or in connection with a copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the Authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
 - (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for that purpose;
 - (e) where the nuisance to which the notice relates -
 - (i) is a nuisance falling within section 79(1)(a), (c), (e), (f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga)(e) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes,that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
 - (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -
 - (i) any notice served under section 60 or 65 of the Control of Pollution Act 1974 Act (control of noise on construction sites and from certain premises), or
 - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);
 - (h) that the abatement notice should have been served on some person instead of the appellant, being -
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
 - (i) that the abatement notice might lawfully have been served on some other person instead of the appellant being -
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,and that it would have been equitable for it to have been so served;
 - (j) that the abatement notice might lawfully have been served on some other person in addition to the appellant, being -
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment,and that it would have been equitable for it to have been served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the Court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of an appeal the Court may -
 - (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
 - (c) dismiss the appeal;and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of an appeal the Court may make such order as it thinks fit -
 - (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the Authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above, the court -
 - (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICE

3. (1) Where -
 - (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -
 - (b) either -
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise caused in the performance of some duty imposed by law on the appellant, and
 - (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met,the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where -
 - (a) the nuisance to which the abatement notice relates -
 - (i) is injurious to health, or
 - (ii) is likely to be of limited duration such that suspension of the notice would render it of no practical effect, or
 - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance
- (3) Where paragraph (2) applies the abatement notice -
 - (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the Court, and
 - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply

Premises licence number

PL 1220

Premises name

ALPHA LOUNGE

Part 1- Premises details

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

First Floor
100-104 Lewisham High Street

Post town London

Post code SE13 5JH

Telephone number

Premises licence holder name

Evans Olekanma



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

Regulated Entertainment

Films

Indoor Sporting events

Live Music

Recorded Music

Performance of Dance

Late Night Refreshment

The times the licence authorises the carrying out of licensable activities

Alcohol

11:00 – 02:00 Monday

11:00 – 02:00 Tuesday

11:00 – 02:00 Wednesday

11:00 – 04:00 Thursday

11:00 – 05:00 Friday

11:00 – 05:00 Saturday

11:00 – 03:00 Sunday

Regulated Entertainment

11:00 – 02:00 Monday

11:00 – 02:00 Tuesday

11:00 – 02:00 Wednesday

11:00 – 04:00 Thursday

11:00 – 05:00 Friday

11:00 – 05:00 Saturday

11:00 – 03:00 Sunday

Late Night Refreshment

23:00 – 02:00 Monday

23:00 – 02:00 Tuesday

23:00 – 02:00 Wednesday

23:00 – 04:00 Thursday

23:00 – 05:00 Friday

23:00 – 05:00 Saturday

23:00 – 03:00 Sunday

Seasonal Variation:

Any day preceeding a bank holiday until 06:00

Alcohol & Late Night Refreshment– Takeaway and delivery hours

11:00 – 02:30 Sunday to Wednesday

11:00 – 04:00 Thursday to Saturday

The opening hours of the premises

11:00 – 02:30 Monday
11:00 – 02:30 Tuesday
11:00 – 02:30 Wednesday
11:00 – 04:30 Thursday
11:00 – 05:30 Friday
11:00 – 05:30 Saturday
11:00 – 03:30 Sunday

Seasonal Variation:

Any day preceeding a bank holiday until 06:30

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

ON & OFF

Part 2

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

Evans Olekanma
44 Baldwyns Road
Bexley
Kent
DA5 2AD

Evans.olekanma@peektickets.com
alphaloungebar@gmail.com

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

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

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

18/00297/LAPER

Dartford Borough Council

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.

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection

(3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3 . Where

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section “children” means any person aged under 18; and “film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

1 Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

(b) in respect of premises in relation to:

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

(a) ‘security activity’ means an activity to which paragraph 2(J)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2-Conditions consistent with the operating Schedule

The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available upon the request of Police or authorized officer throughout the preceding 31-day period, such copies shall in any event be provided within forty-eight (48) hours.

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 Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.

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

- All persons entering these premises are liable to be searched. Agreement to search 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 or authorized officers.
- 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 notice at all exits requesting patrons to respect the needs of the local residents/businesses and leave the area quietly.

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

Patrons permitted to temporarily leave and then re-enter the premises (including the smoking area) e.g. to smoke, shall not be permitted to take drinks or containers with them.

On a Friday and Saturday night or when the premises is operating under a temporary event notice after 02:00hrs a minimum of three (3) SIA registered door staff, of which one (1) must be female. They must be on duty from 21:00hrs until 30 minutes after closing when the premises is conducting licensable activities or any other advertised or private event.

At the commencement of work, security personnel must 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.

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

A register of security personnel employed on the premises shall be maintained in a legible format and 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 their details

On a Friday and Saturday night from 22:00hrs All persons entering or re-entering the premises must be searched as a condition of entry and monitored by the premises CCTV system.

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

A zero tolerance to illegal drugs shall be operated. Any person found in possession of illegal drugs, or who is witnessed offering illegal drugs or asking others for illegal drugs, will be ejected (or refused entry) and permanently banned from future entry to the premises.

The Premises Licence Holder will allow uniformed Police to periodically attend the premises upon prior agreement with the Premises Licence Holder/DPS in order to carry out advance drug searching techniques, including (but not limited to) requiring customers to take part in the drug analyser testing as a condition of entry, and passive drug dog sweeps of the premises and queue.

A proof of age scheme, such as Challenge 25, shall be operated at the premises where the only acceptable forms of identification are (recognized photographic identification cards, such as a driving license or passport / Holographical marked PASS scheme identification cards) appropriate signage must be displayed.

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

At all times the premises are open to the public, including a promoted event, they shall be managed by the premises licence holder / DPS.

On a Friday and Saturday after 21:00hrs a currently qualified first aider must be employed on the premises at all times when the premises are open to the public. The venue will also provide first aid facilities commensurate with the type of event and customers expected.

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.

There will be no transfer of alcohol between Alpha Lounge and any business operating upstairs.

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 or scanning equipment
- g) Any refusal of the sale of alcohol

h) Any visit by a relevant authority or emergency service

A documented dispersal policy must be in place and reviewed annually with the metropolitan police/local authority.

A noise limiter must be fitted and maintained within the premises. The level of this meter must be set in accordance with required legislation and standards by a qualified sound engineer, as so not to cause a noise nuisance. The limiter must be sealed in such a way that no unauthorised person can tamper with it. All amplified music played at the premises must be passed through the noise limiter. An annual calibration of the noise limiter must take place by a qualified sound engineer and recorded in the incident book. The Noise limiter must be fitted within one month of the granting of this licence (15th Jan 2019).

All windows and doors to remain closed when entertainment or live music is in progress.

In the event of another licenced premises operating from the top floor of 100-104 Lewisham High Street the SIA door staff may be shared with prior agreement of Police & Council Licensing. When both premises are open at the same time there will at least 1 SIA staff member at the entrance to Alpha Lounge when the door staff condition applies.

As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the Safer London Business network Ltd approved by the police, and local radio scheme if available.

Delivery Conditions

The delivery drivers and staff shall check proof of age documents of all persons who appear to be under 25 years old. This check shall be made by examining a passport, photographic driving license, a PASS approved proof of age card or other appropriate card with a photo and holographic mark.

The DPS shall ensure that all employed delivery staff shall receive regular training, a minimum of once a year on the prevention of underage sales and on Challenge 25 scheme. The DPS shall also ensure that all delivery agents that are used have also been trained and seek assurance from the company's management.

The delivery of alcohol will not be made to a person in a public place such as a street corner, park or bus stop etc.

The delivery of alcohol to be made only to a residential or business address, where it is evident that the customer is a resident or occupies the business.

All delivery drivers must not leave their engines running whilst waiting for their food orders nor must they congregate outside the premises.

Any Delivery of Alcohol must be paid prior to the delivery.

Annex 4- Plans

Full plans available at Licensing Services London Borough of Lewisham

Ground floor – Plan reference – 0388

16th August 2019
Alex
Lewisham High St
SE13 5JH

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:

Alpha Lounge
1st Floor
100-104 Lewisham High Street
London
SE13

My representation in regards to the above is essentially very similar to, if not entirely the same as, my previous representation for Vibes.

There have been club premises licenced at this location for some time, but as of January 2019, Alpha installed a new and significantly louder sound system the situation has been significantly worse than in previous years. In addition, I believe they had their licence extended to 5AM *every day*.

Realistically, however, the noise produced by Alpha is nowhere near as that by Vibes, during the week. But it gets cranked up massively (or so it feels) on the weekends, and there are occasional days midweek where it is antisocial levels of loudness.

And it is the regularity with which they are licenced to produce it that is most concerning. For the music to play late (until 5AM) 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 sometimes happen. I have submitted diary sheets to Crime Enforcement previously, and in conjunction with vibes it has been 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 almost constantly in the same venue..

All residents have noticed the environmental change since the beginning of the year, in regards to the new sound system from Alpha, the lateness with which its music goes on, and the pairing of this situation with Vibes. 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 5AM 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.

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 5AM is completely unacceptable
- 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)
- Having a potential 5AM end time *every night in a residential area* is wholly unacceptable. 3AM is normal and more than a compromise
- 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

16th August 2019
Martin [REDACTED]
[REDACTED] Lewisham High St
SE13 5JH

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:

Alpha Lounge
1st Floor
100-104 Lewisham High Street
London
SE13

I live at the same address as Alex [REDACTED], whose representation letter is entirely in accordance with my opinions on the matter. I don't need to repeat it in the same detail but the salient points are that:

- Since January 2019 and the new sound system in Alpha, along with the later licencing hours, the local noise levels and antisocial behaviour have been out of control
- Abatements and breaches have been served as evidence of the unacceptable noise level
- The daily and late-night nature of their activity has attracted unwarranted and increased levels of antisocial behaviour (urination, random drunks around the residences, drugs, etc.)
- The regularity of the 7 days a week 5AM operation time is unacceptable
- This is an area with the elderly and young children living in it and the living conditions for all have worsened significantly since the venue has opened
- When patrons leave the venue, the streets turn into absolute bedlam and the clubs seem to take no responsibility for managing the noise and regular fights that break out as a result

All residents have noticed the environmental change since the beginning of the year, in regards to the new sound system from Alpha, the lateness with which its music goes on, and the pairing of this situation with Vibes. 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.

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. It is incomprehensible how these licences have been granted in the first place. 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 everyone's mental health. 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 needs to be taken very seriously indeed. It is a serious issue and it is having a serious affect on my and others' lives.

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
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- 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)
- Having a potential 5AM end time *every night in a residential area* is wholly unacceptable. 3AM is normal and more than a compromise
- 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,

Martin

Agenda Item 4

LICENSING COMMITTEE

Report Title	New Cross Inn		
Key Decision	No		Item No. 4
Ward	New Cross		
Contributors	Community Services – Licensing Authority Head of Law		
Class	Part 1	Date: 10 September 2019	

Proposal: Premises Licence Variation Application

Legislation: Licensing Act 2003

Premises: New Cross Inn 323 New Cross Road SE14 6AS

Applicants: Nelco Ltd

This is an application for a Variation of the Premises Licence

1. Current Licence Status

The premises are currently licensed for the sale of alcohol and regulated entertainment and outlined below:

Sale of Alcohol, Films, Live Music & Recorded Music

10.00 - 02.00 Monday

10:00 - 02:00 Tuesday

10:00 - 02:00 Wednesday

10:00 - 02:00 Thursday

10:00 - 02:00 Friday

10:00 - 02:00 Saturday

12:00 - 00:30 Sunday

Late Night Refreshment

23:00 – 02:00 Monday

23:00 – 02:00 Tuesday

23:00 – 02:00 Wednesday

23:00 – 02:00 Thursday

23:00 – 02:00 Friday

23:00 – 02:00 Saturday

23:00 – 00:30 Sunday

Seasonal Variation:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years day.

An Additional hour to the standard and on-standard timings on the day when British summertime commences.

2. Particulars of Application Applied for

To extend the sale of alcohol, provision of regulated entertainment and late night refreshment Monday to Thursday until 0300 the following morning; Friday and Saturday until 0400 the following morning and Sunday until 0200 the following morning; to also extend all licensable activities on any day before a Bank Holiday until 0400 the following morning; opening hours to be extended Monday to Thursday until 0330 the following morning; Friday and Saturday until 0430 the following morning; Sunday until 0230; and any day before a Bank Holiday until 0430 the following morning. Also to amend/remove conditions.

3. Outline of representations received

- 3.1 The application for the variation of the premises licence was received on 15 July 2019 and sent to all the Responsible Authorities.
- 3.2 There were no representations from any responsible authorities but a representation was received from one interested party.
- 3.3 The representation received from the interested party, has been examined by Officers and is considered not to be vexatious or frivolous. The representation was received within the specified time.
- 3.4 The application for the new premises licence has been advertised in accordance with Regulation 25; an advert in a local newspaper and notices prominently displayed on the perimeter of the premises every 50 metres for a period of 28 consecutive days. The last date for receiving representations was the 12 August 2019.
- 3.5 The objection to the application is on public nuisance grounds due to concerns over noise and anti-social behaviour from the premises. It is in also in a cumulative impact zone.

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.
- 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	15.7.19	

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

App Ref : 831502
 15/07/19
 Capita Ref - 550685
 E315

London Borough of Lewisham

Application to vary a premises licence 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.

We Nellco Limited
 being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PL 1085

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description New Cross Inn 323 New Cross Road			
Post town	London	Post code	SE14 6AS

Telephone number at premises (if any)	0208 469 4382
Non-domestic rateable value of premises	£49,100.00

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current residential address if different from premises address	323 New Cross Road		
Post Town	London	Postcode	SE14 6AS

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not, from what date do you want the variation to take effect?

Day	Month	Year
□	□	□

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please read guidance note 2)

To extend the sale of alcohol, provision of regulated entertainment and late night refreshment Monday to Thursday until 0300 the following morning; Friday and Saturday until 0400 the following morning and Sunday until 0200 the following morning; to also extend all licensable activities on any day before a Bank Holiday until 0400 the following morning; opening hours to be extended Monday to Thursday until 0330 the following morning; Friday and Saturday until 0430 the following morning; Sunday until 0230; and any day before a Bank Holiday until 0430 the following morning. Also to amend / remove conditions.

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

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please read guidance note 3)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	10:00	03:00	Please give further details here (please read guidance note 5) Showing of music DVD's and videos throughout the venue		
Tue	10:00	03:00			
Wed	10:00	03:00	State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur	10:00	03:00			
Fri	10:00	04:00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard timings on the day when British Summertime commences. Until 0400 on any day preceding a Bank Holiday.		
Sat	10:00	04:00			
Sun	12:00	02:00			

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)		
Day	Start	Finish	 State any seasonal variations for indoor sporting events (please read guidance note 6) Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7) 		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon			 State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6) Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7) 		
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10:00	03:00	<p>Please give further details here (please read guidance note 5)</p> <p>AS EXISTING - Live music provided by bands playing unamplified and amplified music</p> <p>State any seasonal variations for the performance of live music (please read guidance note 6)</p> <p>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>An additional hour to the standard and non-standard timings on the day when British Summertime commences.</p> <p>Until 0400 on any day preceding a Bank Holiday.</p>	Both	<input type="checkbox"/>
Tue	10:00	03:00			
Wed	10:00	03:00			
Thur	10:00	03:00			
Fri	10:00	04:00			
Sat	10:00	04:00			
Sun	12:00	02:00			

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10:00	03:00	<p>Please give further details here (please read guidance note 5)</p> <p>AS EXISTING - Both amplified and unamplified recorded music played through an in house sound system.</p> <p>State any seasonal variations for the playing of recorded music (please read guidance note 6)</p> <p>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>An additional hour to the standard and non-standard timings on the day when British Summertime commences.</p> <p>Until 0400 on any day preceding a Bank Holiday.</p>	Both	<input type="checkbox"/>
Tue	10:00	03:00			
Wed	10:00	03:00			
Thur	10:00	03:00			
Fri	10:00	04:00			
Sat	10:00	04:00			
Sun	12:00	02:00			

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)			
Mon						
Tue						
Wed			State any seasonal variations for the performance of dance (please read guidance note 6)			
Thur						
Fri						
Sat			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)			
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing			
			Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)			
Mon						
Tue						
Wed						
Thur						
Fri			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)			
Sat						
Sun						
			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 7)			

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	03:00	Please give further details here (please read guidance note 5) AS EXISTING - Hot food and drink provided throughout the premises	Both	<input type="checkbox"/>
Tue	23:00	03:00			
Wed	23:00	03:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur	23:00	03:00			
Fri	23:00	04:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard timings on the day when British Summertime commences. Until 0400 on any day preceding a Bank Holiday.		
Sat	23:00	04:00			
Sun	23:00	02:00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 9)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	10:00	03:00	State any seasonal variations for the supply of alcohol (please read guidance note 6)	Both	<input checked="" type="checkbox"/>
Tue	10:00	03:00			
Wed	10:00	03:00			
Thur	10:00	03:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
Fri	10:00	04:00			
Sat	10:00	04:00	An additional hour to the standard and non-standard timings on the day when British Summertime commences. Until 0400 on any day preceding a Bank Holiday.		
Sun	12:00	02:00			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)
NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>An additional hour to the standard and non-standard timings on the day when British Summertime commences.</p> <p>Until 0430 on any day preceding a Bank Holiday.</p>
Mon	10:00	03:30	
Tue	10:00	03:30	
Wed	10:00	03:30	
Thur	10:00	03:30	
Fri	10:00	04:30	
Sat	10:00	04:30	
Sun	12:00	02:30	

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

Annex 2 the following conditions to be removed:-

“At least 14 days before any significant event is held at the premises, the premises licence holder and / or designated premises supervisor must submit the relevant

● Provided between the hours of 22:00 & 04:00 Hours”

“No New admissions or re-admission after 0130 hours” – to be amended as below.

Please tick yes

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

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

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

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 11)

Bearing in mind the nature of this application and those conditions already attached to the Premises Licence, and the fact that these premises are predominantly known as a Live Music Venue with no changes to the current operation other than extending the hours in line with other Live Music Venues, nothing further is required save for the amended condition below.

b) The prevention of crime and disorder

No new admission or re-admission after 0200 hours.

c) Public safety

See box a) above.

d) The prevention of public nuisance

See box a) above.

e) The protection of children from harm

See box a) above.

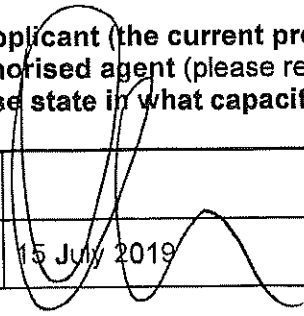
Please tick yes

- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

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.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	15 July 2019

Capacity	Poppleston Allen – Solicitors for & on behalf of the applicant
----------	--

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15) Angela Gardner Poppleston Allen Solicitors 37 Stoney Street The Lace Market			
Post town	Nottingham	Post code	NG1 1LS
Telephone number (if any)	0115 9349 157		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) a.gardner@popall.co.uk			

Notes for Guidance

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.

1. 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 for the late night levy
2. 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.
3. 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:

- a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - 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.
 - 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.
 - 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.
 - 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:
 - 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.
 - 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.
 - 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.
 - 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:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - 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;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - 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.
4. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

8. Please give 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.
9. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
10. Please give 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 or the presence of gaming machines.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

I am opposed to the extension of the alcohol serving hours of the New Cross Inn pub in New Cross Road.

This is for the following reasons:

1. The area to the side of the pub with the public seating currently attracts a lot of anti social behaviour and drinking causing a public nuisance and safety risk. Walking down there at night is unpredictable and can be dangerous and extending the alcohol serving at hours at the pub will only contribute to an increase in the anti social behaviour and public nuisance as it will encourage more late night drinking.
2. New cross road is a cumulative impact zone and the increase of alcohol serving hours will only negatively contribute to the anti social behaviour there by encouraging drinking and the potential violence that brings There is clearly a large number of vulnerable people in New Cross - In homeless shelters or begging on the streets - and a larger number of drunk patrons coming out of a premises later in the night will not be beneficial for anyone in the area.

Until the number of alcohol dependent vulnerable people decreases in New Cross, premises should not be allowed to extend their alcohol serving hours especially given how under strain police officers currently are due to cuts.

Thank you,

Emily [REDACTED]

I am opposed to the extension of the alcohol serving hours of the New Cross Inn pub in New Cross Road.

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Until the number of alcohol dependent vulnerable people decreases in New Cross, premises should not be allowed to extend their alcohol serving hours especially given how under strain police officers currently are due to cuts.

Thank you,

Emily [REDACTED]



Lewisham

Premises licence number

PL 1085

Premises name

NEW CROSS INN

Part 1- Premises details

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

323 New Cross Road

Post town London

Post code SE14 6AS

Telephone number 020 8694 1565

Premises licence holder name

Nellco Ltd

Directorate for Community Services
Licensing Team
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

Provision of regulated entertainment

Live music

Recorded music

Films

Provision of entertainment facilities for:

Dancing

Provision of Late Night Refreshment

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol, Films, Live Music & Recorded Music

10.00 - 02.00 Monday

10:00 - 02:00 Tuesday

10:00 - 02:00 Wednesday

10:00 - 02:00 Thursday

10:00 - 02:00 Friday

10:00 - 02:00 Saturday

12:00 - 00:30 Sunday

Late Night Refreshment

23:00 – 02:00 Monday

23:00 – 02:00 Tuesday

23:00 – 02:00 Wednesday

23:00 – 02:00 Thursday

23:00 – 02:00 Friday

23:00 – 02:00 Saturday

23:00 – 00:30 Sunday

Seasonal Variation:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years day.

An Additional hour to the standard and on-standard timings on the day when British summertime commences.

The opening hours of the premises

10.00 – 02.30 Monday
10:00 – 02:30 Tuesday
10:00 – 02:30 Wednesday
10:00 – 02:30 Thursday
10:00 – 02:30 Friday
10:00 – 02:30 Saturday
12.00 – 01.00 Sunday

Seasonal Variation:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's day.
An Additional hour to the standard and on-standard timings on the day when British summertime commences.

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

On and Off

Part 2

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

Nellco Ltd
323 New Cross Road
Lewisham
London
SE14 6AS

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

07426144
Company

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

Simon John Nundy
4 Lindsey House
Lloyds Place
London
SE3 0QF

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

829772
London Borough of Southwark

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.

See attached

Annex 2-Conditions consistent with the operating Schedule

At any time Sunday to Thursday where there is regulated entertainment (excluding the showing of films), the number of door supervisors employed shall be in accordance with the following ratio: A minimum of two door supervisors will be employed for the first 150 customers and one door supervisor for every 100 after that.

On Friday and Saturday from 2100 hours the number of door supervisors employed shall be in accordance with the following ratio: A minimum of two door supervisors will be employed for the first 150 customers and one door supervisor for every 100 after that.

All door supervisors employed at the entrance/exit of the premises will display their SIA badge in an approved high visibility arm badge.

The premises licence holder and/or designated premises supervisor will ensure door supervisors do not allow any drinking vessel, glass or bottle to be taken from the premises.

The premises licence holder and/or designated premises Supervisor shall ensure that the following details for each door supervisor are contemporaneously entered into a bound register kept for that purpose:

- Full Name
- SIA Certificate Number and or badge number/registration number of any accreditation scheme recognised by the licensing authority (including expiry date of that registration or accreditation scheme).
- The time they began their duty
- The time they completed their duty
- The full details of any agency through which they have been allocated to work at the premises if appropriate.

The register shall be available at all reasonable times to an authorised officer of the licensing authority or a police constable and kept for a period of not less than 12 months.

The premises shall install and maintain a comprehensive digital colour CCTV system. All entry and exit points will be covered including the street environment enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open to the public. All recordings shall be stored for a minimum period of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV System shall be present on the premises at all times when they are open to the public. Recordings shall be made available immediately upon the request of police or an authorised officer throughout the preceding 31 day period.

The premises shall join the local Crime Reduction Partnership (LBBAC) and local radio scheme if available. During the times when door supervisors are

employed any such radio will be held by the door supervisor managing the main entrance to the premises.

The premises licence holder and/or the designated premises supervisor shall keep up to date policies and staff training records in relation to the following: Requirements of the challenge 25 scheme, drugs, identification & recognition of drunks, Identification Recognition and responsibilities of dealing with vulnerable persons and the correct procedures to be followed when refusing service. Regular training must be provided to all staff at least every six months, a record of the training will be maintained for at least 12 months.

A challenge 25 scheme will be adopted. All identification must bear the customers photograph, date of birth and integral holographic mark. Suitable means of identification would include PASS approved proof of age card, photo-card driving licenses and passports.

During the provision of regulated entertainment a personal licence holder must be on duty at all times.

The premises licence holder and/or designated premises supervisor shall ensure that a clear visible notice is displayed advising those attending, that the police will be informed if anyone is found in possession of controlled substances or weapons.

There shall be no sales of alcohol made for consumption off the premises after 21:00.

At least 14 days before any significant event is held at the premises, the premises licence holder and/or designated premises supervisor must submit the relevant risk assessment for to the metropolitan police.

A significant event is an event that is:

- Promoted or advertised to the public at any time before the event and
- Predominantly features DJ's or MC's performing to a recorded backing track or a live band and is
- Provided between the hours of 22:00 & 04:00 Hours

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 seizures of drugs or offensive weapons
- f) any faults in the CCTV system or searching equipment or scanning equipment.
- g) Any refusal of the sale of alcohol.
- h) Any visit by a relevant authority or emergency service.

No New admission or re-admission after 0130 hours.

Annex 3- Condition attached after a hearing by the licensing authority

Annex 4- Plans

Full plans available at Licensing Services, London Borough of Lewisham

Basement – Ref 0185

Ground floor- Ref 0185A

LICENSING COMMITTEE		
Report Title	Exclusion of the Press and Public	
Key Decision		Item No. 5
Ward		
Contributors	Chief Executive	
Class	Part 1	Date 10 September 2019

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. Bento 47-49 Lee High Road SE13 5NS
- 7. Catford Food Centre, 91 Rushey Green SE6 4JD