



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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I **Kelly Hickmott**

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Club Vibes Second Floor 100-104 Lewisham High Street	
Post town London	Post code (if known) SE13
Name of premises licence holder or club holding club premises certificate (if known) Club Vibes Ltd	
Number of premises licence or club premises certificate (if known) PL 0190	

(B) DETAILS OF OTHER APPLICANT

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

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

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

Please tick one or more boxes

X

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

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

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

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

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

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

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

Following the service of the abatement notice the CER service still were receiving noise nuisance complaints from a resident living in very close proximity to the premises. Officers visited Club Vibes on Saturday 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 residents that live in close proximity to the clubs. It's not just the noise that has been reported but the level from patrons that are attending both Club Vibes and Alpha Lounge that also sits in the same building.

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

Officers made a further visit to the complainant's home on Sunday 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.

Statements are enclosed.

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

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

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

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

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

Please tick ✓ yes

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

x

If yes please state the date of that application

Day Month Year

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

N/A

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Notes for Guidance

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



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

Abatement Notice in respect of a Statutory Noise Nuisance

To: PTOWN SOUTH DORING

of: Club Village, 100-102 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:

Club Village, 100-102 Lewisham High Street

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

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

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

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

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

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

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

DATED 27/3/2019

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

Address to which all communications should be sent:

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

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

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

STATEMENT OF WITNESS

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

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

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

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

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

On 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

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 18th day of June 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 duties, we periodically work out-of-hours responding to noise complaints logged via our duty phone. My colleague Theo Bahannack and I were on duty on Saturday 15th June 2019 from 9pm to 3am. At approximately 0120hrs, we were called by a complainant named Matthew who wanted us to witness from his property noise nuisance originating from Club Vibe.

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

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

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

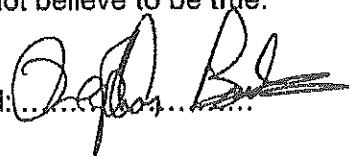
Signature of witness:

Witness: MARK ADU-BROBBEY

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

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

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

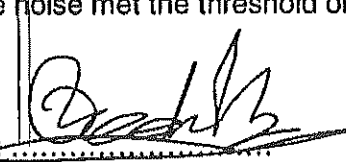
Signed: 

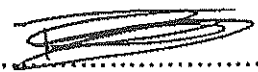
Date: 18th June 2019

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

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

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

Signed: 

Witnessed by: 

Dated: 18th June 2019

WITNESS STATEMENT

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

Statement of Mark Anthony URN:

Four empty rectangular boxes for URN entry.

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 of Mark Anthony.

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 98A Lewisham High Street complaining about loud music from two establishments at 100 - 104 Lewisham High Street, namely CLUB VIBE and ALPHA LOUNGE. Upon our arrival, he took us to his apartment. Whilst inside his apartment, we could hear very loud music in his apartment whilst the doors and windows were closed. The music was clearly perceptible and had what a very strong base sound which was vibrating through his walls. The music was very loud in all the rooms in his apartment. We were in his apartment for about 20 minutes and the music was very audible throughout the period we were in his apartment.

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

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

Signature:

Handwritten signature of Mark Anthony.

Signature witnessed by:

.....

WITNESS STATEMENT

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

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

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

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

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

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

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

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

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

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

Signature: [Signature] Signature witnessed by:

STATEMENT OF WITNESS


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

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

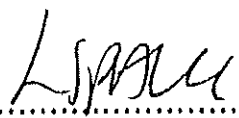
Age of witness: Over 18

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

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

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

1. I, LISA SPALL, am a Crime, Enforcement and Regulation Manager of the London Borough of Lewisham's Crime, Enforcement and Regulation Service, I have been so employed since April 2010, my duties include investigating cases of anti-social behaviour, trading standards and public health and nuisance as well as being a case manager for the Licensing Authority.
2. The matter I refer to in this statement are made from my own knowledge. Where that is not the case and it is a matter of information or belief, I have stated the source of that information or belief.
3. On Sunday 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 : 

Date: 31 / 5 / 19

Witness :

Date: _____



Kelly Hickmott
Crime Enforcement & Regulation
Service

9 Holbeach Road
Catford
London SE6 4TW

Direct line 020 8314 2170
Fax 020 8314 2594

Date 22nd May 2019
Our ref WK/201909342

Dear Ricardo,

BREACH OF NOISE ABATEMENT NOTICE

Environmental Protection Act 1990, Section 80 Notice dated

Date of offence: 19th May 2019

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

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

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

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

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

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

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

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

Yours sincerely,

Kelly Hickmott



Kelly Hickmott
Environmental Enforcement

Wearside Service Centre
Wearside Road
London SE13 7EZ

Direct line 020 8314 2170
Fax 020 8314 2594

Date 28th May 2019
Our ref WK/201909342

Dear Ricardo,

BREACH OF NOISE ABATEMENT NOTICE

Environmental Protection Act 1990, Section 80 Notice dated

Date of offence: 26th May 2019

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

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

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

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

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

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

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

Yours sincerely,

Kelly Hickmott
CEROfficer



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

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

Date: 28/05/2019
Our ref:

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

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

Breach of Annex 3 Condition

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

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

The following actions are to be completed with immediate effect

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

Yours sincerely,

Kelly Hickmott
CER Enforcement Officer