

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