



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

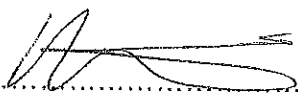
Please tick ✓ yes

- 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

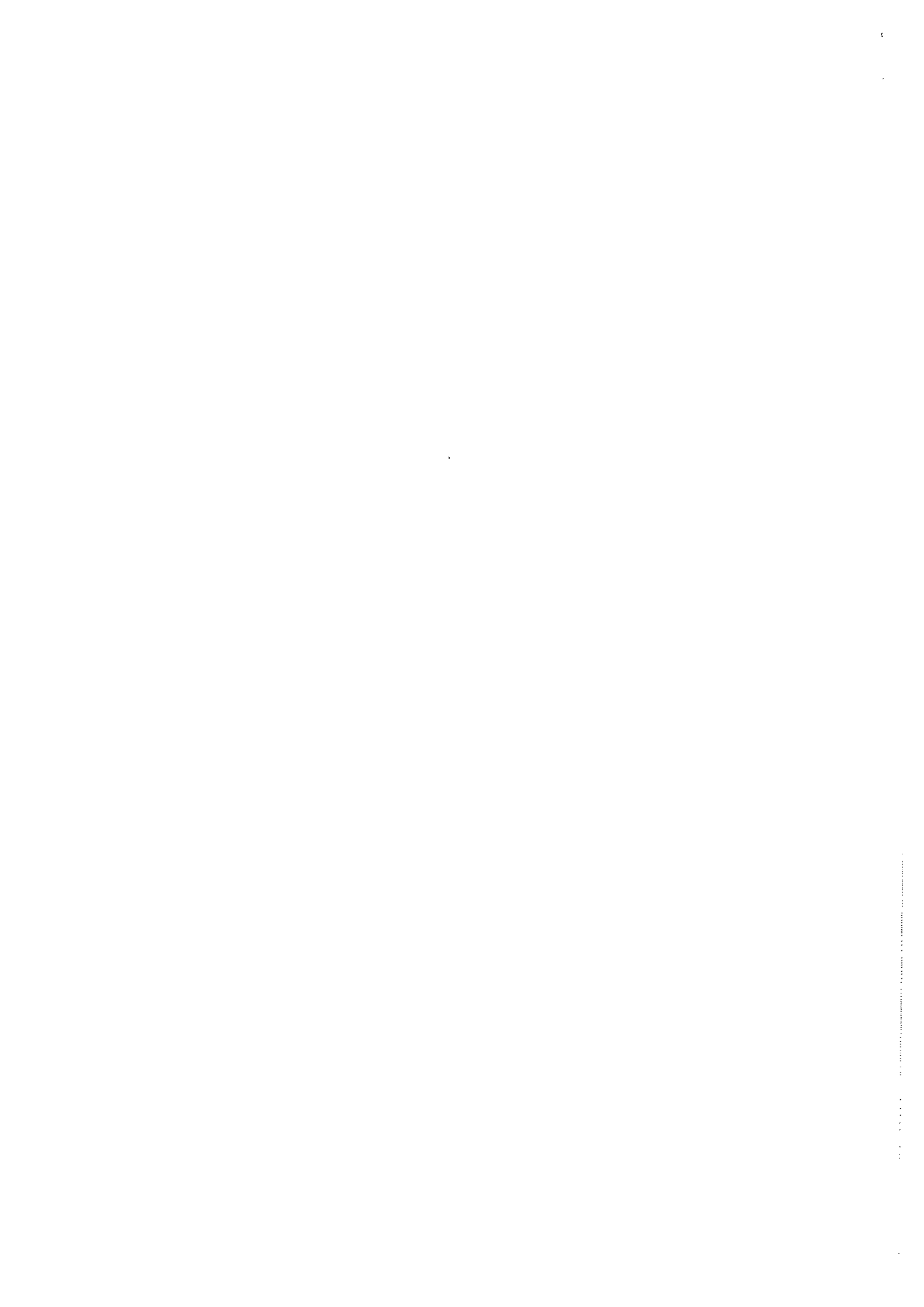
Post Code

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 :

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 : L. P. A. L. e

Date: 31/5/19

Witness :

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*.....

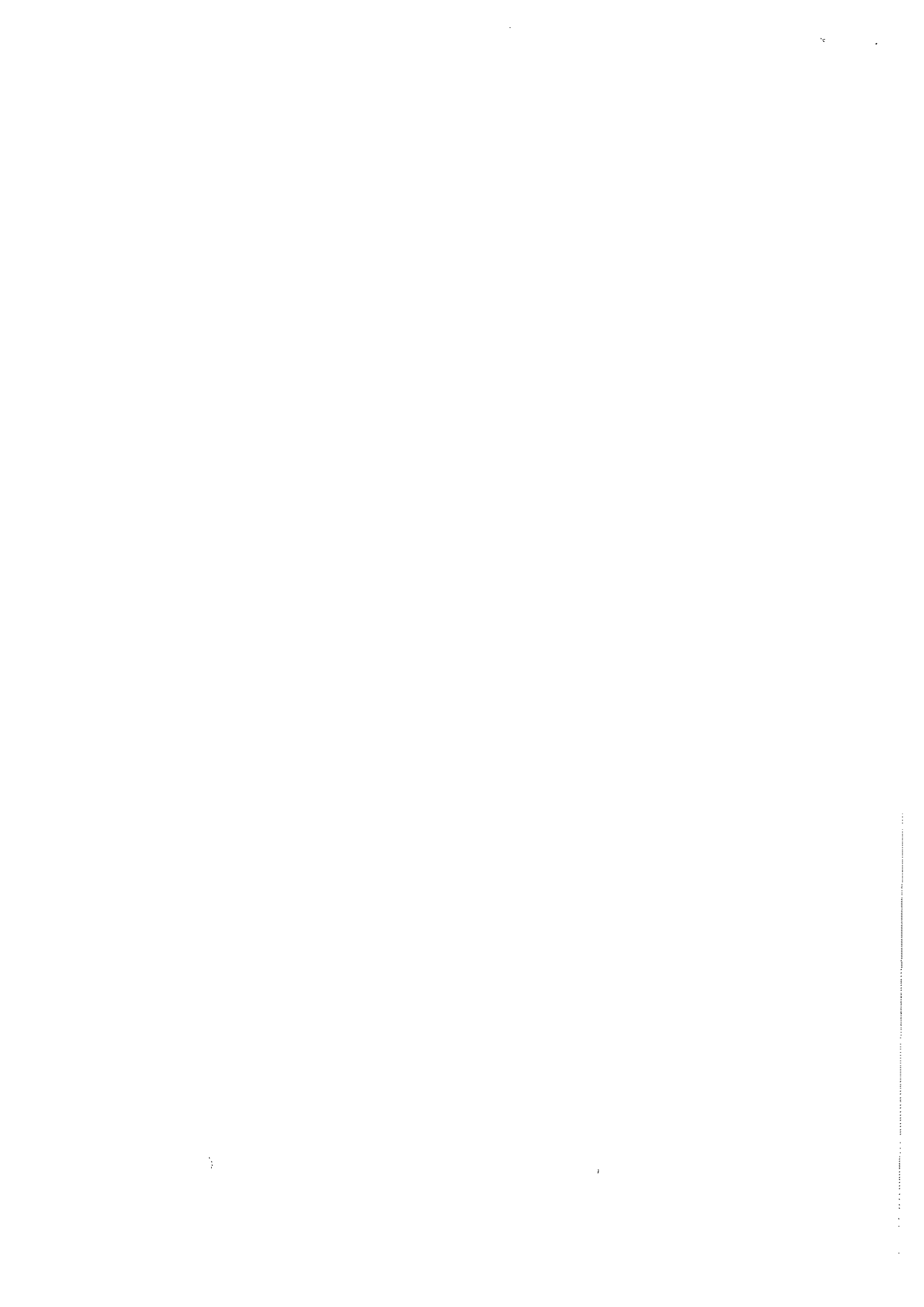
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2. The matter I refer to in this statement are made from my own knowledge. Where that is not the case and it is a matter of information or belief, I have stated the source of that information or belief.
3. On Saturday 24th May 2019 I was working with 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.

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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 the URN number.

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

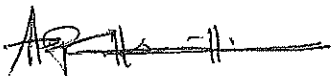
CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Stephen Ikebuwa** URN:

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

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.....

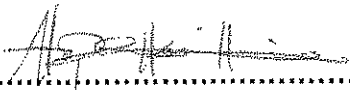
I, MARK ADU-BROBBEY, am a Crime, Enforcement and Regulation Officer for the London Borough of Lewisham Council. I have been employed in this role since August 2015. My duties include Licensing Enforcement as designated via the Licensing Act 2003 and The Gambling Act 2005, Anti-Social Behaviour via the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

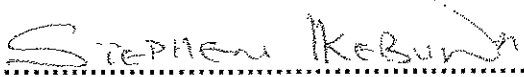
As part of our role, my colleague Theo Bahannack and I were on duty on Friday 12th July 2019 from 9pm to 3am. At approximately 0150hrs, we visited Club Vibe and Alpha Lounge. Before entering the premises, we could clearly hear music from both venues while standing in the alleyway next to it. I could 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.

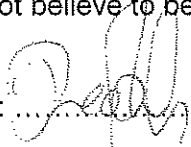
Signature of witness:

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 LOUPE 6150/104 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 LOUPE 6150/104 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);
 - (g) 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