

Weaser, Clare

Subject:

FW: Moderns nightclub objection

From: Phoebe

Sent: 05 December 2018 23:14

To: Licensing

Subject: Moderns nightclub objection

Dear Sir/Madam,

I wish to lodge my strong objection to the application for variation to the licence dated 9th November, to increase the licence terms that currently exist, also to the continued use of this site as a nightclub, which is a separate issue in itself. I moved into my flat at 2a Montpelier Vale on 3rd October and the volume of music noise and constant screaming from patrons when leaving the venue is a constant disturbance to my enjoyment of my new flat. Furthermore, i have to endure not just the drunken behaviour, but on some occasions suffer the vomit and urine that is left outside my entrance in the porch way.

It has become so bad that every Friday evening, i am now forced to stay at my parents house in Kent and return Monday evening after work, as i cannot sleep due to the barrage of highly audible noise and anti-social behaviour of the many. This venue is a constant nuisance and has caused me numerous unpleasant nights listening to the disorder and sometimes disturbing scenes that i am forced to endure outside the club into the early hours.

If this application is allowed to prevail, then i shall have to vacate the flat for my own ability to sleep at the weekend, aside from which, i have found the behaviour anti-social and very worrying for my safety, were i to venture out late at night. My landlord is aware of the problem and i understand is the reason why his last tenant was forced to vacate.

I invite you to witness the noise and behaviour from within my flat on the evening of 22nd December, when i would come back to allow you entry and i do have historical video evidence of the terrific noise emitted from the club, taken from the street outside. Kindly confirm the time up to midnight and i shall be there.



Registered charity number: 259843

Richard Lockett
Crime, Enforcement and Regulation Officer
Crime, Enforcement and Regulation Team
9 Holbeach Office,
Holbeach Road,
Catford, London SE6 4TW

4 December 2018

Dear Richard Lockett,

Blackheath Society submission re Morden's Licensing Application

Introduction

The Blackheath Society objects to the current application from Morden's Wine Bar for variations to the current licence. We are clearly an interested party as a local society. We base our objections on the four licensing objectives, which Lewisham Council is charged to promote.

Blackheath Village is just as much a residential area as a retail and leisure destination. Because of its configuration, retail units and residential homes are difficult to separate. Indeed, most of the licensed premises, including Morden's are adjacent to or in very close proximity to private residences. The population of Blackheath Village comprises families, single people, young children and the elderly.

Blackheath is subject to a Cumulative Impact Policy (CIP) which means, to quote Lewisham's current Licensing Policy (p. 27):

'The effect of the CIP in respect of Blackheath Village and The New Cross Corridor is that the Licensing Authority will refuse applications for a new premises license or club premises certificate, or material variations of an existing license or certificate, whenever it receives relevant representation unless an applicant can demonstrate why the operation of the premises involved will not add to the negative cumulative impact already being experienced'.

Public nuisance

Residents currently suffer from noise both from the operation of the premises and customers leaving in the early morning. Any variation to the licence which increases the number or timing of late customers, opens the garden beyond the current 23.00 limit and permits 'regulated entertainment' (music) on levels above the current basement will add to these problems.

At the time of the last major licensing application the manager of Morden's (at that time called Cave Austin) wrote to the Blackheath Village Residents Group. He referred to the problem of *'people trying to gain entry after the other premises have closed'* which *'may cause some disruption to the village, especially at the front door...the ground floor is obviously visible to people walking past the premises which causes the problem of people leaving other premises trying to gain entry'*. He continues:

'We have thought long and hard about how to stop this problem and have come to the conclusion that one extra hour in the basement area only and closing the ground floor at midnight will make things a lot easier and a lot quieter'.

We see no reason why this analysis does not hold good now as then, and find the reason given for the application, *'this allows for better management'* to be vague and unpersuasive.

Public Nuisance/Public Safety

If the application were to be granted, there would be large numbers of people leaving Morden's after 2.00 am on Saturday and Sunday mornings. At this time, most public transport will have stopped running. Residents and others face the prospect of large numbers of potentially noisy people either walking home through the village, causing disturbance in the early hours, or congregating outside the night bus stop. Even more worryingly, large groups of people would congregate at the taxi office next to Blackheath station. The prospect of groups of tired, inebriated people fighting for a limited number of taxis is not an attractive one.

There is a reasonable expectation that the grant of an extension to Morden's licence, under the proposed terms, would increase the risk of contravention of the licensing objectives. It is certainly the case that the applicant has not, as required by Lewisham's licensing policy, *'demonstrate[d] why the operation of the premises involved will not add to the negative cumulative impact already being experienced'* and the application should therefore be refused.

The Blackheath Society

Weaser, Clare

Subject:

FW: MORDENS OBJECTION TO APPLICATION 09/11/18

From: Sales - Comber & Co [<mailto:sales@comberandco.co.uk>]

Sent: 05 December 2018 17:17

To: Licensing

Subject: MORDENS OBJECTION TO APPLICATION 09/11/18

Dear Sirs,

I am writing to lodge my strong objection to the variation to the premises license at the above venue, on the grounds that it is a constant nuisance and disorder to both myself and all the residents in Montpelier Vale, and indeed I would draw your attention to the attached email from my previous tenant, Kirsten Bergmann, who on 31st August this year lodged a further objection to yourselves, concerning the continuous noise and disorder emanating from the venue, causing her to vacate the top flat at 2 Montpelier Vale, after some 20 years of being my tenant. I own the head lease of the whole building and as such, shall now find it extremely difficult to find a tenant for the flat due to the terrific noise and disorder arising from the continued trading of this nightclub.

Until the early hours of the morning, aside from the high volume of music noise from the resident D.J., it is quite usual for persons leaving the premises, to vomit and urinate in the various doorways along Montpelier Vale, including my own doorway and that of John Payne opposite, furthermore the continuous screaming of drunken persons causes massive disturbance to sleep and is very alarming and upsetting to, in particular residents above my shop at 2 Montpelier Vale, which is almost directly opposite Mordens.

I find it hard to comprehend why a nightclub venue has been allowed to open and trade in such a high density of residential buildings, and continues to do so despite numerous complaints from residents. I wish to be kept informed of the date of the committee hearing as I wish to make my objections in person to said committee.

Yours very sincerely,
Jeremy Comber
Proprietor
2 Montpelier Vale
Blackheath SE3 0TA

2 Montpelier Vale, Blackheath Village,
London SE3 0TA

Tel: 020 8318 9666
Email: sales@comberandco.co.uk
Web: www.comberandco.co.uk

3 December 2018

Angela.Mullin-Murrell@lewisham.gov.uk

Re: Morden's Wine Bar, Blackheath

Dear Ms Mullin- Morrell

I am writing to object to the application by Morden's Wine Bar in Blackheath on the grounds of Prevention of Public Nuisance

I live at Collins Street off Tranquil Vale and therefore I hear the drunks on their way home when the pubs and bars close. This is a residential area not only in the adjacent streets but also there are flats above and opposite Morden's. The profile is that of a village – not a town centre.

Main points of the application:

- Increase in hours where alcohol may be served to match those currently permitted in basement (see below)
- 'Regulated entertainment' i.e. music to be permitted on **all floors** – this is currently limited to the basement only
- Increase in hours of regulated entertainment (see below)
- Lifting of the restriction that the garden must be shut at 23.00
- Admissions to be allowed up to midnight (currently 23.30)

Alcohol for consumption on the premises

	Applied for	Current	Additional hours upper floors
Monday	00.00	00.00	Same
Tuesday	00.00	00.00	Same
Wednesday	01.00	00.00	1.00
Thursday	01.00	00.00	1.00
Friday	01.30	00.00	1.30
Saturday	01.30	00.00	1.30
Sunday	00.30	00.30	Same

Regulated Entertainment (music) on all floors; currently basement only

	Applied for	Current	Additional hours upper floors
Monday	00.00	-	New
Tuesday	00:00	-	New
Wednesday	01.30	01.00	0.30
Thursday	01.30	01.00	0.30
Friday	02.00	01.30	0.30
Saturday	2.00	01.30	0.30

Sunday	00.30	00.30	Same
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Later opening on all floors will attract more people to this bar which will result in public nuisance problems in the streets at 2 a.m. and increased crime levels.

The music should be confined to the basement and not allowed to be on all floors.

New admissions should definitely be stopped at 11.30pm otherwise people move from the closed pubs to Morden's as the only bar open late.

The garden should be closed at 11.30 so as not to disturb residents after this time.

Therefore, I hope you will reject this application

Regards

Nicola

Weaser, Clare

Subject: FW: Licencing application Morden's Wine Bar in Blackheath
Attachments: moderns 040916 1.37 am.jpg; moderns 04.09.16 2.03 am.jpg

From: Aneta]
Sent: 05 December 2018 00:10
To: Licencing
Cc: office@blackheath.org
Subject: Licencing application Morden's Wine Bar in Blackheath

Dear Sir / Madam,

I am writing regarding the application of full variation of licence for Morden's Wine bar of 7-9 Montpelier Vale, Blackheath.

As you will see from the string of emails below, I have raised concerns with the council about Morden's Wine Bar on many occasions. I was very disappointed that no constructive action was taken despite my many complaints, and I eventually gave up filing complaints as it is exhausting to get up in the middle of the night on most weekends to keep a diary of all the specific incidents. This does not mean that the concerns I mentioned in my emails at the time have been resolved. There is disorder every weekend outside the bar as people gather and leave, and the members of staff do nothing to encourage them to leave quietly. Of course by that time, most people are very drunk which also contributes to disorderly behaviour, and presents danger for the cars as people cross the street or stand in the middle of it without paying any attention to ongoing traffic. As a result, there are honking cars in the middle of the night, which also adds to the overall noise nuisance.

There have been many occasions when the police have had to intervene because of fights happening in the street, sometimes right outside our front door. Some of these fights involved members of staff, as you'll see from the detailed descriptions in my emails below.

Blackheath is a friendly, quiet community and it's pretty shocking that this sort of behaviour is tolerated right in the middle of the village on a regular basis.

We were horrified to learn that Morden's Wine Bar applied to extend the licensing hours for the bar that is at street level as there are no double doors or appropriate soundproofing, so the music and overall noise are heard in our flat at levels which are not acceptable. According to the Environmental Protection Act 1990, any noise is considered a 'statutory nuisance' if :

- it unreasonably and substantially interferes with the use or enjoyment of a home or other premises
- it injures health or is likely to injure health.

On a Friday or Saturday night from 10 pm, reading a book or sleeping is impossible due the level of noise in the flat because of the extremely loud music and extra outbursts every time people open the wine bar's door to go in or out. When music is played so loud and so late, double doors should be compulsory. As a result of the levels of noise and the stress / lack of sleep incurred, I have been experiencing migraines. It is incredibly painful when I feel unwell and have to endure this unbearable amount of noise and disruption for hours.

Based on the evidence submitted in this email and my previous emails below, I hope you will not grant any extension of licensing hours to Morden's Wine Bar, and I would like to use this opportunity to ask you to reconsider the current licensing hours to ensure that there is no noise coming from the premises between 11pm and 7am as stated by the law. Instead of being

extended, hours for alcohol consumption (currently 12.00 midnight) on the premises should be reduced to 11pm on upper floors and regulated entertainment (i.e music) should not be permitted on the upper floors after 11pm.

I trust you will take this email seriously and I look forward to hearing from you regarding my concerns.

Yours faithfully,

Aneta

----- Forwarded message -----

From: Aneta Zieba <aneta [REDACTED]>
To: "kennedy.obazee@lewisham.gov.uk" <kennedy.obazee@lewisham.gov.uk>
Sent: Monday, 5 September 2016, 11:55:09 BST
Subject: Re: complaint ref:WK/201512408 Mordens 7-9 Motpelier Vale

Dear Kennedy

Thank you for your efforts to date, and I have not been in touch because at the weekend you sent your officers the club was quiet which made me wonder if they get notified about the visits? I was a bit disheartened to be honest as it seems so difficult to get any lasting results. However Mordens continues to be a nuisance and I am a bit puzzled why your officers have to witness it as you can simply get in touch with the police and check their records as they have been called to fights taking place in the club in the summer.

I am sure you are aware that the young man was murdered in Blackheath village last weekend a few meters from my flat, so I don't think you can go on denying that antisocial behaviour is not a huge issue in the village at the weekends.

I have witnessed numerous fights and shouting and as it is happening outside my windows basically every weekend I am not able to sleep first due to the loud music coming out of the club and then woken up by screaming and antisocial behaviour of people leaving or trying to get into the club. It is obvious that Mordens attracts a certain type of people who wreak havoc in the village. Last Saturday/ Sunday morning police were dealing with two incidents at the same time on Montpelier Vale - one on the top of the hill and one outside Mordens.

And as usual at 2.00 am there was a singing and loud talking when people were leaving the club. I think you should seriously consider revoking the license for the club to operate. As my simple request to turn the music down after 10.00 pm has not had any result. Can you let me know if you are going to take any serious actions to make the Blackheath village safer and quieter place to live at the weekend? I have attached a couple of pictures from Sunday morning.

Kind regards

Aneta

On Thursday, 19 May 2016, 13:29, "Obazee, Kennedy" <kennedy.obazee@lewisham.gov.uk> wrote:

Dear Aneta [REDACTED],

Further to your complaint and as mentioned in my previous email to you, our officers will be out on Saturday 21st May 2016, between 11pm – 3:30am. As mentioned in my previous email, they will be investigating complaint.

Should you experience noise nuisance from the wine bar on the above mentioned time and day, I will advise you to call our officers on 02083142598. This will enable to officer the opportunity to come and witness the noise. With any nuisance witnessed by our officers, we will be able to take the necessary action.

Kennedy Obazee

Crime, Enforcement and Regulation Officer | Lewisham East Team | 23 Mercia Grove, Lewisham, SE13 6BJ
Tel:02083148520 | Email: kennedy.obazee@lewisham.gov.uk
www.lewisham.gov.uk

From: Aneta [REDACTED] [mailto:[aneta@\[REDACTED\]](mailto:aneta@[REDACTED])]
Sent: 09 May 2016 16:45
To: Obazee, Kennedy
Cc: Aneta [REDACTED]
Subject: Fw: complaint ref:WK/201512408 Mordens 7-9 Motpellier Vale

Dear Mr Obazee

I hope you are well and rested after the weekend. I have not had a response to my email I sent on 20 April so can you please acknowledge the receipt and advise what steps will be taken to resolve this problem.

I can only add that the noise nuisance continued over every weekend. On Sunday 1 May there was a live band playing till 2.00 am with speakers close to the doors and it was impossible to sleep till they closed which I thought should have been earlier on a Sunday but I do know the details of their licence so if you can advise me the details I will be able to monitor it. Last weekend I was woken up again at 2.15 am by the noisy crowd hanging out in front of the Mordens wine bar.

I hope you will take my concerns seriously or let me know how I can escalate it.

I look forward to hearing from you.

Kind regards

Aneta [REDACTED]

On Wednesday, 20 April 2016, 13:05, Aneta [REDACTED] <[aneta@\[REDACTED\]](mailto:aneta@[REDACTED])> wrote:

Crime, Enforcement and Regulation Service
23 Mercia Grove
Lewisham
SE13 6BJ
Your ref: WK/201512408

Dear Mr Obazee

RE: Sections 79 & 80 of the Environmental Protection Act 1990. Address: Mordens Wine bar at 7-9 Montpelier Vale SE3 0TA

I am writing to follow up on the complaint regarding the noise nuisance and anti-social behaviour at the Mordens Wine Bar at 7-9 Montpelier Vale, SE3 0TA launched by Lynne McAdam of 12 A Montplier Vale SE3 0TA.

I also reside at this address and find your response from 23 September 2015 stating that your officers did find sufficient evidence to back the complaint simply unacceptable. Over the years I witnessed numerous occasions when the police were called to deal with Mordens customers or staff (last year their security person was taken away in handcuffs for hitting a customer) this is just to set the scene!

Every single weekend from Thursday night to Sunday night from 22.30 the music can be heard in the flat at 12 A Montpelier Vale even with the windows closed (double glazing) – I dread to think about the summer when we have to have windows open as the flat gets really hot. Even louder bursts of music can be heard when people enter and leave the bar and the door is open. It is impossible to fall asleep with music resonating through my body but once I succeed out of exhaustion I get woken up by the drunk crowd leaving the club, hanging around, shouting and singing every weekend. This was the case on Saturday 9 April and on Saturday 16 April at 2.10 am. It is affecting my health and well-being as the noise and not being able to sleep makes me tired and irritable. I attached a picture taken after 2.00 am last weekend.

Also I would like to mention that on occasions people are allowed to enter or re-enter after 23.30 which I believe is against their licence. I witnessed people queuing and being let in at 12.18 am on 27 February 2016.

I would like to request a further investigation is undertaken and the management at Mordens finally takes responsibility for the noise coming out of the bar and managing their clients also once they leave their premises. Now they just shut the door and do not care which shows the total lack of respect for the local residents. I suggest your officers visit on Friday after 22.30 and on Saturday at 2.00 am to get the feel of it.

I am happy for your officers to come to the flat as well to inspect the noise levels but here are simple steps which I believe Crime , Enforcement and Regulation service should advise management at the Mordnes bar to undertake to protect the well-being of people living nearby:

1. Turn the music down so it cannot be heard outside their premises
2. Brief every person entering the club they must leave quietly and mustn't make any noise and then have security staff in place to enforce it.
3. Installing another door at the entrance to the bar to minimise the noise when people enter and leave.

I do hope you will do what is necessary to help to resolve this matter to our satisfaction.

Kind regards

Aneta [REDACTED]

[REDACTED] Montpelier Vale
SE3 0TA London

Weaser, Clare

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I also reside at this address and find your response from 23 September 2015 stating that your officers did find sufficient evidence to back the complaint simply unacceptable. Over the years I witnessed numerous occasions when the police were called to deal with Mordens customers or staff (last year their security person was taken away in handcuffs for hitting a customer) this is just to set the scene!

Every single weekend from Thursday night to Sunday night from 22.30 the music can be heard in the flat at Montpelier Vale even with the windows closed (double glazing) – I dread to think about the summer when we have to have windows open as the flat gets really hot. Even louder bursts of music can be heard when people enter and leave the bar and the door is open. It is impossible to fall asleep with music resonating through my body but once I succeed out of exhaustion I get woken up by the drunk crowd leaving the club, hanging around, shouting and singing every weekend. This was the case on Saturday 9 April and on Saturday 16 April at 2.10 am. It is affecting my health and well-being as the noise and not being able to sleep makes me tired and irritable. I attached a picture taken after 2.00 am last weekend.

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I am happy for your officers to come to the flat as well to inspect the noise levels but here are simple steps which I believe Crime , Enforcement and Regulation service should advise management at the Mordnes bar to undertake to protect the well-being of people living nearby:

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I do hope you will do what is necessary to help to resolve this matter to our satisfaction.

Kind regards

Aneta

Montpelier Vale
SE3 0TA London







