

Licensing Sub-Committee

Thursday 6 October 2022

10.00 am

(Reconvened from 18 August 2022)

Online/Virtual: please contact andrew.weir@southwark.gov.uk for a link to the meeting and the instructions for joining the online meeting

Supplemental Agenda No.1

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Contact

Andrew Weir by email: andrew.weir@southwark.gov.uk

Webpage: www.southwark.gov.uk

Date: 27 September 2022

Sent: Wednesday, August 3, 2022 4:38 PM

Subject: RE: Southbank Nightclub t/a La Estacion: Sub Committee Questions

Dear All

Please find attached letter as discussed at the hearing yesterday, with a table of complainants and the original EPT Rep also attached.

Kind regards

Jean Adams
Dadds LLP Licensing Solicitors

MEMO: Environmental Protection Team

To Regen.licensing; **Date** 06/07/2022

Copies ████████████████████

From Ken Andrews **Telephone** 020 7525 54258 **Fax** 020 7525 5728

Email ken.andrews@southwark.gov.uk

Subject **La Estacion, 57-59 Camberwell Road SE5 0EN- CMU 977724**

Environment Protection Responsible Authority (EPRA) has considered an application for a review of a premises licence or club premises certificate under the Licensing Act. Ref No. 1849267 for the above address.

The review relates to the prevention of crime and disorder and the prevention of public nuisance.

EPRA review this application concerning the prevention of public nuisance licencing objectives. The Regulatory Services records show that there have been several complaints of public nuisance from noise from the music, patrons and incidents. Below are some of the complaints the Noise and Nuisance team received.

CMU reference	Date of complaint	Details of complaint	Officers comments
973635	28/ 3/2022	Public nuisance complaint	No Nuisance witnessed
967217	29/11/2021	Query sound proofing	No Nuisance witnessed
967180	28/11/2021	Assessed from bedroom. Audible but can cause a nuisance if continuous	Query soundproofing
963071	27/09/2021	Public nuisance complaint	No Nuisance witnessed
955641	05/07/2021	Public nuisance complaint	No Nuisance witnessed
913472	27/10/2019	Public nuisance complaint	No Nuisance witnessed
895516	15/2/2019	Public nuisance complaint	No Nuisance witnessed

The noise and nuisance team officers investigated the complaints but could not witness noise or disturbances that constituted a public nuisance. However, on one occasion, the officer indicated that music was audible from within the premises on the second floor, but the

level of noise was not considered a nuisance. They also suggested that perhaps the sound insulation can be improved.

Based on the file notes, EPRA cannot deduce that the venue is causing a public nuisance

Kind regards

Ken

Ken Andrews - Principal Environmental Health Officer

Ms Debra Allday
Senior Solicitor – Regulatory Team
London Borough of Southwark
160 Tooley Street
LONDON
SE1P 5LX

Our Ref: dd/cw/JUL1-1

Your Ref:

3rd August 2022

By email only: debra.allday@southwark.gov.uk

Dear Ms Allday

La Estacion, 57-59 Camberwell Road, Camberwell, London SE5 0EN
Application for Review

We write in connection with the above matter and further to today's meeting which is now adjourned until 18th August 2022. We would like to request that you kindly provide the following information:

- 1) A copy of all the alleged complaints made about our client's premises, appropriately redacted.
- 2) Clarification on whether the enclosed table is an accurate representation of the alleged complaints made from 2019 until the present day.
- 3) In relation to the twelve complaints during 2021 and 2022, can officers please confirm how many were corroborated/witnessed by an officer of the Council.
- 4) Of the complaints witnessed, how many resulted in being assessed as either a statutory noise nuisance or public nuisance in accordance with the Environmental Protection Act 1990 and the Licensing Act 2003.
- 5) In 2020, there appear to be only two dwellings complaining about unwanted noise coming from our client's premises. Can you please confirm whether these dwellings are in the same building and if so, are the dwellings directly above our client's premises or on an upper floor (and at which level)?

Dadds Solicitors



- 6) When the officers attended the premises, did they stand at either the front or the rear of the premises? Did they witness noise break out which would result in a statutory noise nuisance and/or public nuisance?
- 7) Has our client been written to regarding each complaint made in 2021 and 2022? We know there are eight alleged complaints in 2021 and four alleged complaints in 2022. What engagement has the Environmental Health department of the local authority had with the premises for a gradual approach to enforcement to ever establish the cause of concern and/or any causal connection with the premises regarding the alleged unwanted noise and noise nuisance?
- 8) Lastly, Mr Ken Andrews, the Principal Environmental Health Officer, says in his letter of representation dated 6th July 2022 (attached) amongst other things that, based on the file notes, EPRA cannot deduce that the venue is causing a public nuisance. Can Mr Andrews confirm that this statement is true?
- 9) If the above statement is not correct, could we please have a full explanation as to why Mr Andrews' opinion has changed.

We look forward to hearing from you.

Yours sincerely

Dadds

Dadds LLP Solicitors

Encs

cc: andrew.heron@southwark.gov.uk

Table of Alleged Complaints – La Estacion, 57-59 Camberwell Road, London, SE5 0EN

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	Resident/ Dwelling	2019	2020	2021	2022	Alleged Complaint	Corroborated	Same building as premises yes/no
	A	Nil	Nil	5	3	8		
	B	Nil	Nil	1	Nil	1		
	C	Nil	Nil	1	Nil	1		
	D	1	Nil	Nil	1	2		
	E	Nil	Nil	1	Nil	1		
	F	1	Nil	Nil	Nil	1		
Total	6	2	Nil	8	4	14		

APPENDIX A

MEMO: Environmental Protection Team

To: Southwark's Licensing Team

Date: 03/08/2022

From: Mark Prickett, Principal Environmental Protection Team Officer

Subject: Southbank Nightclub t/a La Estacion, 57-59 Camberwell Road, SE5 0EZ

Dear Licensing,

Southwark's Environmental Protection Team (EPT) have reviewed an application for the review of the premises licence held by Uwa Enri Julius, in respect of the premises known as Southbank Nightclub t/a La Estacion – 57-59 Camberwell Road, London, SE5 0EZ. The premises licence number is 848589.

The content within the grounds for review are noted, with particular regard to the prevention of public nuisance licensing objective.

A review of the site history has been undertaken and associated complaints against the premises have been compiled and viewable in a complaint log format within Appendix A.

A column is provided to confirm if a visit was undertaken to the premises as part of the complaint. Details of the complaint, visit notes or other pertinent information is provided in the 'Notes' column.

For clarity, the 'Property ref' column is provided to differentiate between complainants from different properties.

There are x5 further appendices (B-F) which include formal warning letters from the Licensing Team and pertinent complaint information. These are detailed against the respective complaints within the complaint log in Appendix A.

Since February 2019, EPT have reviewed 22 complaints associated with the operation of the premises at 57-59 Camberwell Road. The complaints are from 6 different properties. The complaints were made to both the Noise & Nuisance Team (N&NT) and the Licensing Team (LIC). The vast majority of the complaints made allege nuisance from the premises by way of noise and several complaints also allege vibration disturbance.

To confirm, Noise officers visiting in response to a complaint to the N&NT will do so with regard to statutory nuisance legislation within the Environmental Protection Act 1990. Noise officers do not visit to assess disturbance with regards to the public nuisance licensing objective, nor as part of a compliance check for a premises licence. Noise officer notes from visits can be used retrospectively and be applied to address the prevention of public nuisance licensing objective where applicable.

Of the 22 complaints with Appendix A, 12 were made to the N&NT and 10 were made to LIC. Of the 12 complaints made to the N&NT, Noise officers visited the premises location on 6 occasions.

On Saturday 4th June 2022, officers were not able to access the residential property to substantiate the alleged nuisance 'without drawing attention' to complainant due to the number of patrons outside the premises. The decision not to visit the complainants address was done to protect 'personal confidentiality and their safety'.

Of the other 5 visits made by Noise officers, there were only 2 occasions where access was made into the residential part of the building.

On Sunday 28th November 2021, after a complaint alleging noise nuisance at 02:15 in the morning, a noise officer visited and gained access into a complainant's property. Pertinent comments from the noise officer are as follows, "The music was audible inside the bedroom", "The music in the bedroom would be deemed intrusive if ongoing repeatedly as it is audible and can become an issue" and "the club appears not to suitably sound proofed".

The noise officer sent correspondence to the LIC team on Monday 29th November 2021 stating "I visited earlier today and can understand how this music level can disturb a person especially when disturbed repeatedly over days".

On Sunday 10th October 2021, after a complaint alleging noise nuisance at 01:28 in the morning, a noise officer visited and gained access into "the entrance of the communal area". The officer noted "the music was louder in the communal area but not loud enough at this time to be considered a stat nuisance".

On the 2 occasions when a noise officer has entered the residential element of the building above the premises, they have substantiated that noise from the premises was audible.

On both occasions these visits substantiated a breach of condition 4AI from premises licence number 848589, copied below for reference:

4AI - That the sound limiting device/s shall be set to ensure that the maximum levels of volume and bass permitted by the system ensure any music, speech or song from licensed entertainment is not audible in nearby residential premises or causes a public nuisance in the vicinity of the premises.

As stated above, the N&NT were not able to gain access or did not access residential parts of the building during the other complaint visits, as such the complaints could not be substantiated on these occasions.

Of the 10 visits from the LIC team, 6 visits to the premises have been made by Licensing officers. Three visits were made from the Night Time Economy team (NTE) which regularly operates on Friday and Saturday evenings. On 31st May 2019, an officer met with Uwa Enri Julius to advise of the noise complaint received. On Saturday 9th November 2019 an NTE officer again met with Uwa Enri Julius to advise of the complaint and also stated that if the details of the complaint were “witnessed then this could lead to a prosecution or possibly a review of the premises licence”. The most recent visit found by the NTE team was on Saturday 14th December 2019 but the premises was closed at the time of the visit.

The 3 remaining visits to the premises were made by a Licensing officer in connection to respective complaint cases. 2 of these complaint investigations resulted in x2 formal warning letters being subsequently sent to the premises after breaches of a conditions on the premises licence had been witnessed. For reference these can be found in Appendix B & E.

Mr Uwa Enri Julius was informally warned in November 2019 of a potential review of the premises licence. There has been subsequent formal warnings and advising of further enforcement action both in 2021 and 2022 through correspondence with the LIC team.

It is also felt prudent to make note of the times at which the majority of the complaints are being made within Appendix 1. The majority are late on a Friday night or in the early hours of Saturday and Sunday mornings. Correspondence to the Noise Team or Licensing Team has also regularly happened on a Monday after complaints of being disturbed over the course of the previous weekend.

EPT have reviewed other persons supporting statements and it is concerning to read that multiple residents choose to leave their properties on a weekend when the premises will operate in the hope of getting a better night's sleep. The negative health effects, including the stress and sleep deprivation noted from many residents supporting the review application is also concerning. The statements from residents make clear that noise from the operation of the premises, as well as from patrons frequenting the premises, is negatively interfering with the use and enjoyment of their properties.

The weight and consistency of evidence provided from numerous residents over a relatively long period of time should not be discounted due to only 1 visit being made by the N&NT into a residential property (due to COVID and other reasons stated). To note again, during this 1 visit music from the premises was audible within the residential property.

As detailed above and taking into account the information within the review application, EPT do not have confidence that premises management are complying with condition 4AI from the premises licence. Furthermore EPT have found no information regarding details of noise insulation in connection with the premises.

EPT do not consider this premises to be adequately insulated to contain noise & loud audible music associated with a nightclub open until 05:00 on Saturday and Sunday mornings. This concern is corroborated by the N&NT visits into the residential block when music was heard by noise officers.

It has become clear that EPT's original representation dated 6th July 2022 did not contain all the relevant complaint information.

From re-considering the applicant for the review's statement, all the other persons supporting statements as well considering all the content and nature of the complaints as detailed in Appendix A, EPT consider that this premises has caused and continues to cause a substantial public nuisance to many neighbouring residential neighbours. This is therefore considered to be a breach of condition 362 of premises licence number 848589. EPT therefore support this review application.

Should the Licensing sub-committee choose not to revoke the licence, EPT then strongly recommend that the hours of operation should be brought back to 23:00 on all days. This is in line section 31 of the original hearing report (dated 2 August 2022) which refers to Southwark's Statement of Licensing Policy 2016-2020 and advises that the premises location is not considered suitable for use as a nightclub and restaurants and public houses are suggested to close at 23:00 daily.

ENDS.

Mark Prickett
Principal Environmental Protection Officer
Environmental Protection Team
Southwark Council

APPENDIX A - COMPLAINT LOG – 57-59 CAMBERWELL ROAD

Date	Time rec'd	CMU ref	Receiving team	Details of complaint	Officer visited?	Notes	Property ref (to differentiate between complainants)
2022							
Saturday 4 th June	00:03	977940	Noise & Nuisance Team (N&NT)	"Loud music Southbank night club 57-59 Camberwell Road SE5 0EZ"	Yes	Noise officer visit notes: "Sam LAM and I arrived on site at the 57 Camberwell Road. I was unable to approach the client's front door without drawing attention to the client due to the amount of people (patrons) from the bars standing outside (a) 57 – 59 Camberwell Road & (b) 53 Camberwell Road without identifying the client as a complainant making reports about local venues to Southwark. For the client's personal confidentiality to remain and their safety I decided it was best not to approach the client directly at their door and went directly to the noise source. The noise source witnessed from the street was not as reported but was the low level noise breakout noise (amplified music) from Ibb's a small bar located at 53 Camberwell Road, a few doors away from the reported alleged noise source. Whenever the patrons from the bar (Ibbs Bar No.53. Camberwell Road.) opened the door to exit the venue to smoke etc. the music level would increase. I repeatedly witnessed multiple patrons entering and leaving the venue in short succession. I approached the Ibbs bar and spoke to the manager/owner who produced a copy of their Alcohol license, detailing their operational times. The manager/owner took SAM and I on a peripheral tour of the entire block around the building to assess the noise from both his venue and 57 – 59 Camberwell Road, I was unable to hear any music from the rear or the venue standing at the back of 57 – 59 Camberwell Road or 53 Camberwell Road. The owner/manager of IBBS bar said to me during our visit that he had been visited that night (3rd June 2022) by my colleague from the Noise Nuisance Team. When I asked him to describe the officers he roughly described Robin & Pak. I left the area satisfied that the level of music from the venue reported as causing a nuisance was not doing do (57 – 59 Camberwell Road). I left the area satisfied that the venue where I had heard noise breakouts had reduce the level of their music."	Property A
Saturday 28 th May	23:50	977580	N&NT	"Resident reported loud music coming from Estacion Club"	No	Left a voicemail for customer	Property A
Saturday 30 th April	08:38	975736	N&NT	"Loud music and vibration from the Night club"	No	No actions from N&NT officers on case	Property A
Monday 28 th March	16:30	973635	Licensing (LIC)	Complaint to LIC team of public nuisance	Yes. LIC officer. 30 th April	Warning letter sent to premises DPS on 19 th July. Copy of warning letter in Appendix B.	Property B
2021							
Monday 29 th November	07:33	967217	Licensing (LIC)	N&NT passing over information of below	No	Email from N&NT officer to LIC officer. Property B resident "called to report La Estacion located at 57 Camberwell Road from which loud music was being played and transferred into property. I visited	Property C

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				complaint (967180) to LIC team		<p>earlier today and can understand how this music level can disturb a person especially when disturbed repeatedly over days.</p> <p>I walked by La Estacion and noticed that the single glass door at the front entrance was left wide open. I asked the security man about this and he replied that the door is left open but the inner access door is kept shut. As a licensed premises please will you look at this premises? I am unsure whether there is adequate sound proofing inside the premises or whether the premises is complying with the granted licence."</p>	
Sunday 28 th November	02:15	967180	N&NT	"Customer is reporting loud music coming from the night club directly below customer on [REDACTED]"	Yes	<p>Noise officer visit notes: "Arrived at 4.15am. Observations made from the sole bedroom in the premises which is two levels above the nightclub and is separated from the nightclub via another set of flats on the level directly below the complainant's but within the same building block. Access inside the building block is on Boundary Lane. The music was audible inside the bedroom but at a normal blurred level. I believe the wife was asleep but she did wake up and say something while the assessment was going on. I was not familiar with the lyrics I heard. The complainant alleged that the music was coming from Lestacion 57 which appears to be above the concerned premises when facing the main road and stood in the office room. The music in the bedroom would be deemed intrusive if ongoing repeatedly as it is audible and can become an issue. I will refer this to licensing and explained this to the complainant.</p> <p>The complainant moved in 2020 to join his wife who moved in 2017 and this was an issue pre lockdown but it got quiet during the lockdown because of the restrictions. I was unable to pick the lyrics even with Shazam</p> <p>There were two security men on passing by the premises to go into the complainants premises but on my return there was just one security man at 4.39am. I noticed that the front glass door was wide open. I asked him whether it was common to leave this door open to which he replied that yes as the second door located at the basement level access into the club was usually kept shut. Will refer to licensing as the club appears not to suitably sound proofed"</p>	Property C
Sunday 31 st October	01:44	965382	N&NT	"Resident reporting night club playing loud music night club called La Estacion"	No	"Telephone call made @ 02:22 – VM message left"	Property C
Saturday 16 th October	00:53	964439	N&NT	"Complainant said he calls every weekend to report this premises and asked what he can do to which I replied that he makes a representation to the licensing team. As he reported LAM and	Yes	<p>Noise officer visit notes: "I arrived but did not find the music excessive. It was audible by virtue of one standing in front of the premises but there was a security man inside manning the glass door. I was unable to tell how this music level affects the complainant. I saw two people standing in front but there was no speech or amplified voice. NFA"</p> <p>To note – no visit to the resident's property or inside residential block. Visit was only to premises front on Camberwell Road.</p>	Property A

APPENDIX A - COMPLAINT LOG – 57-59 CAMBERWELL ROAD

				vibrations, I arranged a visit"			
Sunday 10 th October	01:28	964042	N&NT	"Music and noise every weekend"	Yes	Noise officer visit notes: "Arrived and assessed from outside at 3.15hrs. music could be heard when assessing directly at the front doors of the club but rapidly faded as I walked away, barely audibly 10-15m from the front entrance. Also assessed from as close to the complainants premises as possible, the music was faint and barely audible, I called the complainant to update him, he let me into the entrance of the communal area, the music was louder in the communal area but not loud enough at this time to be considered a stat nuisance. Advised complainant to keep using the service."	Property C
Sunday 3 rd October	01:29	963497	N&NT	"South bank nightclub is playing loud music"	Yes	Noise officer visit notes: "Tctc at 02.16 noise was still on. I visited 57 & 59 Camberwell Road SE5 at 02.25 hrs, and heard music coming from No.59. The level of the music wasn't loud enough for a formal action to be taken. I waited in the area for about 5 minutes, and the situation remained the same. I left the area at 02.30 hrs." Noise officer did not visit complainants property to assess.	Property A
Monday 27 th September	16:27	963071	LIC	Detailed complaint from resident. See Appendix C for copy of emails detailing alleged nuisance.	Yes	Licensing officer visited on 6 th November. Notes from this visit have been requested and if received will be submitted as soon as possible.	Property A
Sunday 26 th September	01:55	962934	N&NT	"57 Camberwell Road - Loud music"	No	Noise officer linked complaint to 962914.	Property A
Saturday 25 th September	23:59	962914	N&NT	"Tenant states loud music from CAMBERWELL ROAD"	Yes	"Noise Visit 2:18 on 26 th September. No music was heard at the back where the comp indicated. I went inside and asked the DPS if they have any windows or doors open at the back. He told me that the new management of Tasty Food is doing some refurbishment work above the club and he witnessed that the worker has removed some of the noise insulation panels. In his opinion this help for the noise to travel to the flats above."	Property A
Monday 20 th September	14:02	962403	N&NT	"Loud noise and vibration audible from the back of the building (in the alley just off boundary lane); also inside my flat on the night of the 18 th September The noise was so loud that I was unable to sleep and when I did manage to (briefly) it got louder.	No	N&NT Team Leader made telephone call to complainant "exp current sit". The complaint was made on a Monday after the alleged nuisance took place over the weekend of Sat 18 th & Sun 19 th September.	Property A

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				The noise was between 11pm past 4.30AM (on 19th Sep tember). Furthermore, there were many people gathered outside and around the nightclub that were shouting and making noise until around 5.30AM. I believe that the noise and v brations are in breach of the terms of the licence and wish to formally raise this as a concern that should be investigated and acted upon."			
Monday 5 th July	17:16	955641	LIC	Please see emails from complainant in Appendix D .	Yes	Licensing officer visited on 15 th July 2021. Notes as follows: "Attended premises with PC Ducker and met with LH to discuss allegations that premises is operating as a nightclub. Uwa Julius (LH) admitted that he was operating and that his customers were allocated to their tables but were only dancing in that area not on the dancefloor. I asked to check the CCTV, the CCTV was not working as it had last year's date 2020 on it and had not been maintained. I informed Mr Julius that a warning letter will be sent out for the breach of his licence condition and i will note that he breached Covid 19 restrictions on allowing his customers to dance within in the venue. PC Ducker and I warned Mr Julius to get his CCTV to work correctly before he opens again. ACTION: WARNING LETTET TO BE SENT OUT." Copy of warning letter in Appendix E .	Property D
2020							
Thursday 3 rd September	14:49	934463	LIC	Complaint to LIC team	No	Complaint details: "Last year we were in email correspondence about a club called SouthBank nightclub / Estacion 57. Since lockdown forced clubs to close earlier in the year we have had several months of peace which has been incredible, but last night we were shocked to see the club was reopening. We assumed that with restrictions around social distancing that a club like this would not be able to operate as usual, given a nightclub with a 5am licence is unlikely to have any sober people capable of adhering to rules. But sadly there	Property B

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						<p>appears to be no change to BAU and as we speak there are crowds outside yelling, as usual. They have been doing this since 3am at least.</p> <p>We have also recently met a few of our neighbours who told us that not only is this a major disturbance to them (unsurprising given the volume of yelling), but that complaints have been made for years. Late last year I found a number of historical complaints and the resolution from the council was that the club would need to adhere to the noise disturbance rules, but there is no evidence of even attempts to do this.</p> <p>If the owners of this club are unwilling or unable to keep their customers under control, then they should not be able to have a licence, least of all during a pandemic.”</p>	
2019							
Thursday 5 th December	15:06	915906	LIC	Complaint to LIC team	No	<p>Complaint details "I am writing to make a complaint about the bar La Estación 57, 57 Camberwell Road SE5 0EZ. I live very near this property and it regularly has problems with antisocial behaviour including:</p> <ul style="list-style-type: none"> • Patrons very rowdy and loud outside on Camberwell road while smoking. • Patrons leaving the premises very early in the morning and shouting very loudly often for a period of around 30 minutes to an hour. I have regularly observed people leaving the premises, buying alcohol and continuing to drink outside on Camberwell Road after the bar has closed, usually at around 530am. This occurs on Saturday, Sunday and even occasionally on Monday mornings. • Patrons arguing and physically fighting on Camberwell Road, immediately after the bar has closed. I have witnessed many violent incidents including one instance where a man attempted to use his own belt as a weapon and another instance where a man physically assaulted a woman. It is very common to see police responding to incidents outside of La Estación 57. <p>La Estación 57 is regularly a nuisance to myself and other neighbours, waking us up early in the morning and making it difficult to sleep while loud verbal and physical fights are happening on the street. Beyond being a noise nuisance however, it is my opinion that La Estación 57 has a negative impact on our local community because it's late-night alcohol consumption is certainly a factor in why fights occurring outside are so common."</p>	Property E
Monday 2 nd December	09:05	915722	LIC	Complaint to LIC team	No	<p>Complaint details: "I am writing to make a complaint about the bar La Estación 57, 57 Camberwell Road SE5 0EZ. I live near this property.</p> <p>Last night, Sunday 01/12/19 the bar was open until approximately 5:30am Monday 02/12/19. Customers leaving the premises were shouting very loudly from around 4:30am and appeared very intoxicated. There was an incident around 530am that required multiple police officers.</p> <p>This is against the licensable activities and conditions for these premises which state that on a Sunday:</p>	Property E

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						<ul style="list-style-type: none"> • Opening hours 10:00-00:30 • Entertainment similar to live/recorded music is permitted between 10:000 and 00:00. • Sale by retail of alcohol to be consumed on premises between 10:00 and 00:00 <p>Furthermore, other conditions broken include • 348- That there shall be no more than 5 persons permitted outside on the frontage to smoke only.</p> <p>Unfortunately, this is far from the first time that La Estación 57 has caused us problems as neighbours. Almost every Friday and Saturday there are too many people outside on the road, shouting loudly, loud physical fights between patrons as they leave the premises and patrons remaining outside of the premises up to two hours after it is closed, drinking on the street and shouting.</p> <p>Beyond inconveniencing myself and other neighbours, it is my opinion that La Estación 57 is a public nuisance and the cause of much antisocial behaviour in our neighbourhood. I have personally witnessed many physical fights outside of the premises, including one instance where a man removed his belt to use as a weapon and another instance where a man physically assaulted a woman.</p> <p>It is my strong opinion that Southwark council should investigate La Estación 57 and consider ending it's license to sell alcohol."</p>	
Monday 2 nd December	09:05	915636	LIC	Complaint to LIC team	Yes	<p>Complaint details: "I would like to put in a complaint regarding the small club that is next door to golazio on Walworth road, previously south bank bar and kitchen.</p> <p>From 12pm last night on a Sunday there were crowds of people outside (around 20-30) I personally don't feel this is okay in a close neighbourhood area. The crowd was so noisy to the point it woke me up. And it took a long time for them to enter the building.</p> <p>This continued with around 240am drunk women screaming in the street and I could see that the doors were not kept closed and 2 bouncers there.</p> <p>There were bouncers but I personally think it's disgusting this club is aloud to be there and there was no control or consideration for the local residents.</p> <p>At 5:10 there were men shouting, the sounds of people fighting and again drunk women. It woke both myself and I could hear my neighbour on flat 2 wake up. It felt unsafe and I have double glazed windows with noise protection and it still woke me up.</p> <p>To say that it's a Monday morning as well the next day I don't see how this is fair for this to be happening. I have had a really restless night and it's safe to say that as a home owner it made me have thoughts of I hate where I live. When there's so many good things happening in this area, I would like to have this place reviewed it's licence to trade.</p>	Property D

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						<p>Eventually it became so out of hand that the police came.</p> <p>As you know it's been an ongoing issue and I would like Southwark council to take this matter very seriously."</p> <ul style="list-style-type: none"> NTE officer visited at 00:15 on Saturday 14th December "Compliance Visit. Premises closed and non-operational ATOV." 	
Sunday 27 th October	17:01	913472	LIC	Please see emails from complainant in Appendix F.	Yes	<p>Southwark's Night Time Economy Team visited at 00:46 on Saturday 9th November.</p> <p>"Advised Premises licence holder Mr Uwa Enri Julius (07985350324) that this was just an allegation at this stage however if activity of this nature was witnessed then this could lead to a prosecution or possibly a review of the premises licence.</p> <p>Advised by premises licence holder that no issues have occurred at his premises and advised that he believed the complaints received were malicious.</p> <p>I have advised that the premises will be monitored and that visits to the premises may be in the form of announced and unannounced visits to his premises."</p>	Property B
Tuesday 28 th May	07:45	901733	LIC	Email from complainant in Appendix F (Sunday 26 th May email).	Yes	<p>NTE visit at 23:00 on 31st May 2019</p> <p>"NTE visit to premises, met Enri Julius - manager/owner and also head of security.</p> <p>Advised of complaint, be careful at egress. Advised that there had been a party by an external promoter the weekend before (LA Estacion 57) - said that he did have issues with them and won't be having them back."</p>	Property B
Friday 15 th February	23:59	895516	N&NT	"Loud music from downstairs". Location confirmed as nightclub.	No	N&NT officer called customer, but no further action taken.	Property F

APPENDIX B



Mr Uwa Enri Julius
Southbank nightclub
57-59 Camberwell Road
London
SE5 0EZ

Licensing Unit
Direct Dial – 0207 525 2436
Facsimile - 020 7525 5705

19 July 2022

Dear Mr Uwa Enri Julius,

RE: THE LICENSING ACT 2003 – Southbank nightclub, 57-59 Camberwell Road, London, SE5 0EZ

I write to inform you that on 17 July 2022 at 02:00 hours Metropolitan police officers of the Licensing Unit visited your premises and noted the following matters of concern:

- 1) **354** That “Club Scan” “Smoke Screen” and biometric monitoring equipment will be installed at the premises and shall be in operation at all times that the premises is in use.

Further to the above breach to your premises licence, The Premises Licence (or certified copy) was not available at the premises. **Breach of Section 57(3) of the Licensing Act 2003.**

If you have lost or damaged your Premises Licence you can order a new one by writing to the Licensing Unit at the address given below, and including a cheque (made payable to the London Borough of Southwark) or postal order for £10.50. Or you can apply for a replacement online, please find a link below:

<https://www.southwark.gov.uk/business/licences/business-premises-licensing/beer-late-night-refreshment-and-entertainment-licences/premises-licence>

If you have your Premises Licence (or certified copy) please ensure that it is kept at the premises to be made available to authorised officers or the police should they request to see it.

Southwark Council - Regulatory Services, Licensing team, Hub 1, 3rd Floor, PO Box 64529, SE1P 5LX
Switchboard - 020 7525 5000 Website - www.southwark.gov.uk
Strategic Director of Environment and Leisure- Caroline Bruce

Each of the matters listed potentially constitutes a contravention of either the licences issued under the Licensing Act 2003 by this Council in respect of the premises operation; or of other related legislation.

In particular, I would advise you that Section 136 (1)(a) of the Licensing Act 2003 states that:

A person commits an offence if -

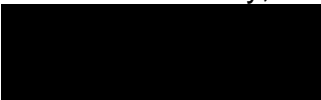
- (a) He carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or
- (b) Knowingly allows a licensable activity to be so carried on.

In this instance this Service does not intend to take any further formal action. However, we would advise you to take such reasonable steps as may be necessary to prevent any further repetition of the matters raised. We would also warn you that should any further breach be reported to us we will give consideration to the appropriate legal action to be taken. You should understand that this could lead to legal proceedings being taken and / or the suspension or loss of your licences.

You should also understand that where other Services have interest in the matters noted we will be notifying them of this recent visit. You may receive follow-up visits from them.

Please ensure you act promptly on this letter. If you require advice or assistance on how to comply with the matters raised please contact us on the telephone number given above.

Yours sincerely,



Justin Williams
Licensing Enforcement Officer
justin.williams@southwark.gov.uk

licensing@southwark.co.uk

APPENDIX C

Complaint: 963071.

Date of complaint rec'd: Monday 27th September 2021.

Emails from PROPERTY A as follows:

Date: 26 September 2021 at 15:08:47 BST

To: licensing@southwark.gov.uk

"Dear sir/madam,

I wish to raise an on-going issue with the premises as detailed below:

La Estacion 57 (formerly Southbank Nightclub) 57-59 Camberwell Road
SE5 0EZ
Licensing number: 848589

The noise almost every Saturday night is unbearable in my flat and I am unable to sleep. There is vibration in the flat too and loud music audible in the alley behind the premises (just off boundary lane)- where all residents access the flats. The noise started at one level and kept changing through the night getting louder and quiet at times, but generally getting loudest by 02:00AM. There have been multiple noise complaints raised with southwark council noise team (for September: reference numbers SWK-1312757-N0Z2; SWK 1313938; SWK 1313972) and I was also informed last night by the noise team that multiple other people have also been complaining (this month as well as last night) about the level of noise. There are also many people loitering outside the club and along boundary lane well after the club has closed, with evidence of multiple broken glass bottles and plastic cups around the area, not present late on Saturday evening.

The reason for writing this email is that as a licensed premises, the noise is significantly above what would be expected and reasonable, vibration extending two floors above the premises as well as a clear disregard for noise or patrons causing a nuisance to the neighbourhood.

All of this suggests that the premises is in breach of the following conditions as stipulated in the License:

340 - That the applicant shall have an appropriate sound limiting device fitted to the basement.

341 - That the sound limiting device shall be maintained at the set level there-after.

342 - That all audio and musical equipment used in the premises shall be played through the installed sound limiting device.

343 - That any additional amplification equipment imported on to the premises by third parties shall be connected to and use the installed sound limited circuit.

345 - That all speakers for the broadcast of sound within the premises shall be isolated from the structure of the premises by anti-vibration mountings or mats.

347 - That there shall be no drinks permitted outside on the frontage.

351 - That suitably qualified or experienced persons shall be employed at all times whilst the entertainment is being provided and shall take all reasonable steps to ensure that patrons will not cause a nuisance to the neighbourhood.

352 - That announcements shall be made and notices provided to request that patrons leave in a quiet and orderly manner that is respectful to neighbours.

360 - Alcoholic drinks may only be consumed within the premises. The management must ensure that no alcohol is consumed outside the premises.

362 - Noise or vibration must not emanate from the premises so as to cause a nuisance to nearby properties.

368 - That should there be any change to the equipment involved in the broadcast or limiting of sound from licensed entertainment the sound limiter shall be re-set, in conjunction with a qualified sound engineer, to ensure that any music, speech or song from licensed entertainment is not audible in nearby residential premises nor will cause a public nuisance in the vicinity of the premises.

4A1 - That the sound limiting device/s shall be set to ensure that the maximum levels of volume and bass permitted by the system ensure any music, speech or song from licensed entertainment is not audible in nearby residential premises or causes a public nuisance in the vicinity of the premises.

I would be grateful for your reply and this matter to be investigated further and acted upon. I am aware that these same issues have been raised prior to the pandemic by multiple individuals to both the noise and listening teams, yet nothing appears to have been done to address them.

- - - - -

Sent: Monday, October 18, 2021 5:09 PM

Thank you for getting back to me with regards to the ongoing noise and vibration issues from 57-59 Camberwell Road.

Since my email on Friday, there was a lot of noise all through Friday night. I spoke directly with the owner (for the second time now) who, again, refused to turn down the music or bass. He stated that the issues were due to the lack of soundproofing in the premises above the nightclub (and below my flat), as this is being currently renovated. I am mentioning this specifically to you as this is likely what you will be told by the owner. In contrast to this statement, there have been complaints to the noise team from before the renovation work was being done (complaints made in May 2021- Noise reference number 924206) and from 2018 too (email will be forwarded to yourself), which show that the complaints and issues have been ongoing and not directly (or worsened) due to anything occurring in the premises on the ground floor (formerly Golazio sports bar).

I called the noise team in the early hours of Saturday morning and they said that they would come out to investigate. The issue (every time you call the noise team) seem to be that it takes from 1-3 hours to get a call back and there is nothing being done when they come out. The lady that I spoke with in the early hours of Saturday morning said that I should just request a licence review. Would this be the most appropriate step, given all of this. Furthermore, as I was unable to sleep for the whole night (as there was music until 05:00 AM), I had to cancel going to work (as it would have been unsafe to drive having been up for 24 hours) and needed to sleep elsewhere on Saturday night.

On this basis, given that I have spoken to the owner on more than one occasion who has refused to turn the music and/or bass down and I am calling the noise team every weekend, with no action being taken, is it appropriate to request a licensing review straight away? I am quite concerned that time is just passing by without anything being done, for an ongoing problem that is affecting other residents too.

Your advice and the outcome of your visit would be much appreciated.

Kind regards,

APPENDIX D

Complaint: 955641.

Date of complaint rec'd: Monday 5th July 2021.

Emails from PROPERTY D as follows:

- **Sent: Sunday 4 Jul 2021, at 11:37**

We last talked on the phone back in May about the nightclub La Estacion 57. Since then the nightclub has continued to cause noise disturbances on Friday and Saturday nights/mornings between 4:30-6:00am with large crowds drinking, talking and shouting on the road while the club is open and after it has closed. Additionally on the 19th of June there was a fight where a man was repeatedly kicked and punched while on the ground. The police were called (by someone else, I don't know who) and I gave the police video evidence when they arrived and then a statement at the police station later that day.

I have a few questions about what can be done:

- When we spoke on the phone you mentioned that you would bring this case up with your manager – I am wondering if anything has come of this?
- You also mentioned that the owners of the club would be contacted and asked/warned about noise disturbances and anti-social behaviour – did this happen and are there any next steps that can be taken?
- Is it possible to for an inspection or assessment of some kind to review the club? If someone went out to look at it between 4:30-6:00am on a couple of Fridays and Saturdays, it would be very clear that the club is breaking several clauses of its licensing agreement.

- **Sent: Sunday, July 4, 2021 12:24 PM**

I just wanted to share my actions from last night with you so that you are aware

Last night I rang noise control about a bar/nightclub that opens at 11pm and closes at 5am that is opposite me.

As can be seen from the emails below although the name of the bar has changed we are still facing the same problems.

Last night I rang noise control at 12:01 and stayed awake and took a call from yourselves at 12:48 and 01:28. I was told someone would inspect the scene.

At 5am when the establishment closed hoards off people pulled out and were gathered on camberwell road. There was no attempts by the bouncers to ensure that people left quietly. There are also no signs around the nightclub to say that this is a residential area and to leave quietly.

I have attached a video to this email so hopefully that plays.

I have lived here since 2013 and have had issues with the same problems as X and X since 2016.

I would like to express that we would like to see what can be done in the next steps as last night having called the council and then for noise to continue again at 05:00am only three hours later since my call was very draining.

- **Sent: Monday, July 5, 2021 9:40 PM**

Many thanks for your call earlier and for the information provided.

I have had a read at the Business Premises Licensing guide and will also discuss with my neighbours what are the next steps. We have also been in touch with our local neighbourhood watch responsible who has also advised that we can additionally contact the Walworth Society, where Southwark Councillors normally attend and can take action.

In the meantime, following the guidance I have taken the opportunity to collate all emails that have been sent from myself or I have been CC'd in from previous neighbours who have lived in the building.

Having taken the time to look back at the communication, it appears that there have been numerous occasions where a member of the council have said that actions will be taken with the bar. This includes:

12/10/2016 a visit would be arranged on a Friday evening to make an agreement was to ensure no glass beyond the door, and making sure people who leave the club leave immediately, along with minimal 5 persons allowed in the smoking area. (I would like to highlight the second point is not happening by far as you have seen in the video I sent on 04/07/2021)

17/01/2018 to be advised that the Southbank Nightclub was visited by Enforcement Officers on Friday and Saturday night, but found to be closed on both occasions. The premises licence holders have been written to and further visits will be timetables in upcoming weekends. (There was no update as far as I can see to further visits to resolve the ongoing situation)

09/12/2019 requested a colleague who was working on the NTE shift last weekend to visit the premises to speak to the person responsible about our concerns. Unfortunately, he was unable to visit. It was requested that whoever is working on the NTE shift the following weekend visit the premises.

05/07/2021 confirmed that CCTV footage will be requested from La Estacion 57 for review.

I am a bit concerned having gone through my emails that there is not really any change since 2016 on the situation. I am afraid I don't have call log details from other times I have called but will do so in future or as you say 101 should it be needed.

I have also attached all of my emails I could find relating to the noise problems with the bar.

I hope all of the above information helps and then moving forward, I do believe the next steps will be to proceed with the Licensing Review, which I will take with my neighbours to discuss the next best steps.

APPENDIX E



Southbank nightclub
57-59 Camberwell Road
London
SE5 0EZ

Licensing Unit
Direct Dial -
Facsimile - 020 7525 5705
Email: Licensing@southwark.gov.uk

Ref: C/955641

15 July 2021

Dear Sir/Madam,

RE: THE LICENSING ACT 2003 – Southbank nightclub, 57-59 Camberwell Road, London, SE5 0EZ

I write to inform you that it has been brought to my attention that licensable activities including are being provided at the above premises without the necessary licence having firstly been obtained from this Council.

This potentially constitutes a contravention of either the licences issued under the Licensing Act 2003 by this Council in respect of the premises operation; or of other related legislation.

In particular, I would advise you that Section 136 (1)(a) of the Licensing Act 2003 states that:

A person commits an offence if -

- (a) He carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or
- (b) Knowingly allows a licensable activity to be so carried on.

This Service warns you that should any further breach be reported to us we will give consideration to the appropriate legal action to be taken. You should understand that this could lead to legal proceedings being taken.

I would make clear that it is the practice of the Council's Licensing Unit to send officers to visit premises to check to see if unauthorised activities are being provided. Licensing officers will gain admission to the premises in the same way as

Southwark Council - Regulatory Services, Licensing team, Hub 1, 3rd Floor, PO Box 64529, SE1P 5LX
Switchboard - 020 7525 5000 Website - www.southwark.gov.uk
Strategic Director of Environment and Leisure- Caroline Bruce

ordinary members of the public, and will not necessarily make themselves known to the staff or the licence holder at the time of the visit.

You should also understand that where other Services have interest in the matters noted we will be notifying them of this recent visit. You may receive follow-up visits from them.

Information and online applications can be found using the following link:

<https://www.southwark.gov.uk/business/licences/business-premises-licensing>

Please ensure you act promptly on this letter. If you require advice or assistance on how to comply with the matters raised please contact us on the telephone number given above.

Yours faithfully,

APPENDIX F

Complaint: 913472.

Date of complaint rec'd: Sunday 27th October 2019.

Emails from PROPERTY B as follows:

- **Sent: Sunday, October 27, 2019 3:42 AM**

I am emailing you with regard to the nightclub called Estacion 57, again unfortunately.

The issues with the noise and behaviour witnessed outside the club, have continued, and are at an untenable level.

There continue to be large groups of club-goers who hang outside the club, not just talking loudly, but yelling and screaming, and not only when they close at 5am, but through the night. The bouncers are always in plain view from our place but they make no visible attempts to calm or quieten people down.

We have taken some footage over the past few months and can provide.

The level of violence we've witnessed outside the club is also quite terrifying, including group fights, fights where one man took off his belt to use as a weapon with another, and instances where men have been physically violent with women. The reason that I'm emailing at 3am now is that my partner is currently with police as he witnessed a man beat a woman and drag her down the street. Onlookers from the club, including the bouncers, did nothing to intervene. (!) For my and my partner's safety it is vital that if any of our complaints are given to the owners or staff of the club, that our identities or anything that could indicate where we live, is NOT shared.

We are now seeking that this club be closed down permanently, and frankly I don't think the club owners should be able to hold any future alcohol licence. It is clear from the behaviour and level of intoxication of their customers that they do not sell alcohol responsibly, or take any measures to manage the behaviour of their customers.

- **Sent: Sunday, May 26, 2019 5:54 AM**

I'm emailing regarding the licence of the nightclub called La Estacion 57, at 57 Camberwell road SE5 0EZ.

My partner and I live above the club and lately the noise disturbance from the club has been pretty awful.

The problem isn't (at least for us) the noise of the club in operation, but the noise of the club-goers outside when it closes at 5am.

When it closes at 5 there are large numbers of people who mill around talking loudly and even yelling and screaming (sadly not exaggerating). This morning they were also encouraging a car with a loud engine to do laps down the street in front of the crowd. We can see that often times there is a security guard outside at least immediately after closing time, but he doesn't appear to make any effort to quieten or move the crowd along.

I had a look online and see that there is a licence for 57-59 Camberwell Road granted for 'Southbank Nightclub', under licence number 848589 which I assume is intended for La Estacion 57? Nothing comes up under the trading name 'La Estacion 57'.

If this is the correct licence then I can see they have been granted a licence until 5am, but also that they are not allowed more than 5 people outside at any time, and only to smoke, and that there should be no noise disturbance to the neighbours.

What is the process for making a complaint on both of these accounts? I don't want to see nightclubs closing down in London as they're an integral part of the city, but the level of disturbance is too much, particularly at 5am.

NOTICE OF ADJOURNMENT**LICENSING SUB-COMMITTEE – 2 AUGUST 2022****SECTION 51 LICENSING ACT 2003: SOUTHBANK NIGHTCLUB T/A/ LA ESTACION – 57-59 CAMBERWELL ROAD, LONDON SE5 0EZ****Decision**

That the council's licensing sub-committee has agreed to adjourn this matter to be reconvened at 10:00 hours on 18 August 2022.

Reasons

This licensing sub-committee having heard the evidence from the applicant, the Metropolitan Police Service and having part heard the evidence of the environmental protection team have agreed to adjourn this meeting to be reconvened at 10:00 hours on 18 August 2022 for the environmental protection team officer to provide the following information:

1. A copy of all the alleged complaints made about the premises, appropriately redacted.
2. Clarification on whether the attached table is an accurate representation of the alleged complaints made from 2019 until the present day.
3. In relation to the twelve complaints during 2021 and 2022, confirm how many were corroborated/witnessed by an officer of the council.
4. Of the complaints witnessed, how many resulted in being assessed as either a statutory noise nuisance or public nuisance in accordance with the Environmental Protection Act 1990 and the Licensing Act 2003.
5. In 2020, there appears to be only two dwellings complaining about unwanted noise coming from our client's premises. The officer is asked to confirm whether these dwellings are in the same building and if so, are the dwellings directly above the premises or on an upper floor (and at which level)?
6. When the officers attended the premises, did they stand at either the front or the rear of the premises? Did they witness noise break out which would result in a statutory noise nuisance and/or public nuisance?
7. Has the premises licence holder been written to regarding each complaint made in 2021 and 2022? There were eight alleged complaints in 2021 and four alleged complaints in 2022. What engagement has the Environmental Health department of the local authority had with the premises for a gradual approach to enforcement to ever establish the cause

of concern and/or any causal connection with the premises regarding the alleged unwanted noise and noise nuisance?

8. Mr Ken Andrews, the Principal Environmental Health Officer, says in his letter of representation dated 6 July 2022 amongst other things that, based on the file notes, EPRA could not deduce that the venue has caused a public nuisance. Can Mr Andrews confirm that this statement is true? If the statement is not correct, a full explanation as to why Mr Andrews' opinion has changed is required.

Appeal rights

There is no right to appeal to this notice of adjournment.

Issued by the Constitutional Team on behalf of the Director of Legal Services

Dated 2 August 2022



NOTICE OF ADJOURNMENT

LICENSING SUB-COMMITTEE – 2 AUGUST 2022

SECTION 51 LICENSING ACT 2003: SOUTHBANK NIGHTCLUB T/A/ LA ESTACION – 57-59 CAMBERWELL ROAD, LONDON, SE5 0EZ

1. Decision

That the council's Licensing Sub-Committee adjourn this matter to be reconvened at 10:00 hours on 6 October 2022.

2. Reasons

1. The members of the Licensing Sub-Committee requested sight of any paperwork and/or acoustic expert's report in relation to the compliance of the premises licence number 848589 issued 28 May 2015 in connection with:
 - a. Condition 340 - That the applicant shall have an appropriate sound limiting device fitted to the basement.
 - b. Condition 341 - That the sound limiting device shall be maintained at the set level there-after.
 - c. Condition 342 - That all audio and musical equipment used in the premises shall be played through the installed sound limiting device.
 - d. Condition 343 - That any additional amplification equipment imported on to the premises by third parties shall be connected to and use the installed sound limited circuit
 - e. Condition 345 - That all speakers for the broadcast of sound within the premises shall be isolated from the structure of the premises by anti-vibration mountings or mats.
 - f. Condition 362 - Noise or vibration must not emanate from the premises so as to cause a nuisance to nearby properties.
 - g. Condition 368 - That should there be any change to the equipment involved in the broadcast or limiting of sound from licensed entertainment the sound limiter shall be re-set, in conjunction with a qualified sound engineer, to ensure that any music, speech or song from licensed entertainment is not audible in nearby residential premises nor will cause a public nuisance in the vicinity of the premises.
 - h. Condition 4AI - The sound limiting device/s shall be set to ensure that the maximum levels of volume and bass permitted by the system ensure any music, speech or song from licensed entertainment is not audible in nearby residential premises or causes a public nuisance in the vicinity of the premises.

2. The premises licence holder will liaise and cooperate with Southwark's Environmental Protection Team and Licensing Unit in respect of a compliance inspection in respect of the conditions listed in this Notice of Adjournment and/or assessment of the premises licence conditions by the acoustic expert.

3. Appeal Rights

There is no right to Appeal this Notice of Adjournment.

Issued by the Constitutional Team on behalf of the Director of Legal Services

Dated 18 August 2022

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LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2022-23

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