

Licensing Sub-Committee

Monday 7 June 2010

10.00 am

Room G02c - 160 Tooley Street, Ground Floor

Membership

Councillor David Hubber
Councillor Eliza Mann
Councillor Wilma Nelson

Reserves

Councillor Ian Wingfield

INFORMATION FOR MEMBERS OF THE PUBLIC

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Contact

Sean Usher on 020 7525722 or email: sean.usher@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Annie Shepperd

Chief Executive

Date: Thursday 27 May 2010



Licensing Sub-Committee

Monday 7 June 2010
10.00 am
Room G02c - 160 Tooley Street, Ground Floor

Order of Business

Item No.	Title	Page No.
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PART A - OPEN BUSINESS

1. APOLOGIES

To receive any apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

A representative of each political group will confirm the voting members of the committee.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.

5. LICENSING ACT 2003 - D'ECLIPSE BAR & RESTAURANT, 57-59 CAMBERWELL ROAD, LONDON, SE5 0EZ (REVIEW) 1 - 68

ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

Item No.

Title

Page No.

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

6. LICENSING ACT 2003 - D'ECLIPSE BAR & RESTAURANT, 57-59 CAMBERWELL ROAD, LONDON, SE5 0EZ (REVIEW) - APPENDIX H

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List of interested parties.

ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

Date: Thursday 27 May 2010

Agenda Item 5

1

Item No. 5.	Classification: Open	Date: 7 June 2010 10am.	Meeting name: Licensing Sub-Committee
Report title:		Licensing Act 2003 – D'Eclipse Bar & Restaurant, 57-59 Camberwell Road, London, SE5 0EZ	
Ward(s) or groups affected:		Faraday	
From:		Strategic Director of Environment and Housing	

RECOMMENDATION

1. That the licensing sub-committee considers an application made under Section 51 of the Licensing Act 2003 by Ms Sarah Connelly for a review of the premises licence in respect of the premises known as D'Eclipse Bar & Restaurant, 57-59 Camberwell Road, London SE5 0EZ.
2. *Notes:*
 - a) *The grounds for the review are stated in paragraph 13 of this report. A copy of the full application is provided as appendix A;*
 - b) *The application is supported by the metropolitan police, the council's environmental protection team and nine (9) interested parties. Paragraphs 15 and 16 deal with the support representation received to the application. Copies of the representation are provided as appendices C & D; and*
 - c) *A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.*

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 received royal assent on 10 July 2003. The Act provides a new licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment
4. Within Southwark, the licensing responsibility is wholly administered by this Council.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
 - The prevention of crime and disorder;
 - The promotion of public safety
 - The prevention of nuisance; and
 - The protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to:

- The Act itself;
 - The Guidance to the act issued under Section 182 of the Act;
 - Secondary regulations issued under the Act;
 - The licensing authority's own Statement of Licensing Policy;
 - The application, including the operating schedule submitted as part of the application; and
 - Relevant representations
7. The applications process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies. The application must also be advertised at the premises and in the local press. The responsible authorities and other interested parties within the local community may make representations on any part of the application where relevant to the four licensing objectives.
8. The premises licence once issued remains valid for the life of the business unless surrendered or revoked. However, under section 51(1) of the Act it remains open to any responsible authority or interested party to apply to the local licensing authority for a review of the premises licence where there are concerns regarding one or more of the four stated licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence

9. The current licence in respect of the premises known D'Eclipse Bar and Restaurant, 57-59 Camberwell Road, London SE5 0EZ was granted to Dr Taiwo Olayinka Afolabi on 8 April 2010. The licence permits the following licensable activities.
- Films
 - Live music
 - Recorded music
 - Provision of facilities for making music and dancing
 - Performance of dance
 - Late night refreshment
 - Sale and supply of alcohol
10. Permitted hours for all licensable activities are from 10.00 to midnight Monday through to Thursday and from 10.00 on Friday and Saturday through to 02.00 the following day.
11. The general opening hours of the premises run for a further 30 minutes each day. A copy of the current premises licence is attached to the report as Appendix B.

Designated premises supervisor

12. The designated premises supervisor is Opeyemi Soile, who holds a personal licence issued by Dartford Borough Council.

The application for a review of the premises licence

13. On the 21st April 2010 an application for the review of the premises licence was received from a local resident and interested party. The grounds for the review relate to the following licensing objectives and are summarized as follows:-

- Prevention of crime and disorder - That the presence of the club has led to an increase of sporadic crime in the area, the most concerning of which being the shooting which occurred on a night in August 2008.
- Public nuisance – That local residents have been affected by the related noise and litter from the premises. Also the presence of the club has limited their ability to park outside their homes.
- Public safety – That the management of the premises have failed in their duty to comply with the conditions of the premises licence. By failing to comply with these conditions, they have failed to ensure that those attending the premises and living in the local area can do so in a safe and controlled environment.

14. A copy of the review application and supporting statement is attached the report as appendix A.

Representations from interested parties

15. The Licensing unit has received seven (7) letters from nine interested parties supporting the review application. Copies of the correspondence are attached as Appendix C to the report. They relate to the licensing objectives of:

- Prevention of crime and disorder – Concerning the frequent aggressive atmosphere outside the premises; the increase in sporadic crime and fights; and a shooting in the vicinity of the Club.
- Public nuisance - The behaviour of customers, being out of control when leaving or smoking; noise from rowdy patrons of the club; and loud music from cars.
- Public safety - The management's failure to ensure that those attending the premises and those living in the local vicinity of the premises can do so in a safe and controlled environment.

Representations from responsible authorities

16. There are supporting representations from the metropolitan police and the council's environmental protection team. Copies of the representations are attached the report as Appendix D.

Operating history to date

17. An application was made to transfer the premises licence on 12 April 2008, the premises was then operating as Knightriders under a different management. On 23 April 2008, another application was made for a new grant of a premises licence with the request for the inclusion of regulated entertainment and also extended hours. The application was met by representations from Metropolitan Police, Environmental Protection Team and several interested parties under the grounds of crime and disorder and noise nuisance issues which were then being experienced under the previous management.
18. As such the application was determined by the Licensing Sub-Committee on 2 July 2008. The decision was to grant the licence with a reduction in hours requested and additional conditions. The licensable activities and the hours granted remain the same as listed in paragraph 9 of this report.

Temporary Event Notices

19. Temporary events notices have been used on occasions extend the terminal hours of the premises licence. Below is a table of Tens given to date.

2008		2009		2010	
Date	Closing Time	Date	Closing Time	Date	Closing Time
23-Aug	5am	01-Jan	6am	01-Jan	5am
24-Aug	5am	12-Feb	4am	15-Feb	5am
25-Aug	4am	15-Feb	4am	04-Apr	5am
12-Sep	5am	16-Feb	5am		
13-Sep	5am	11-Apr	5am		
04-Oct	5am	13-Apr	5am		
05-Oct	5am	29-Aug	5am		
13-Dec	5am	31-Aug	5am		
14-Dec	5am	03-Oct	5am		
24-Dec	5am	10-Oct	5am		
25-Dec	5am	25-Dec	5am		
27-Dec	5am	27-Dec	5am		
28-Dec	5am				

Visits made to premises

20. A number of visits were conducted at the premises by Licensing, Metropolitan Police and Environmental Protection Team/Enforcement Team officers to ensure compliance and set sound limiting devices. Meetings also took place between the management and local residents and Licensing officers to discuss problems identified at the premises and the need for improvement. Details of visits and meetings held at the premises are listed below;

- On 28 October 2008 an induction meeting was conducted with the then DPS (due to a variation application to change the DPS from the initial licence granted). An inspection and risk assessment was conducted.
- On 20 Jan 2009 both Police and Licensing officers met with management at the premises due to disturbances outside premises on the previous Saturday relating to a shooting. The management explained that Operation Trident had already requested and been given CCTV recording of that day, they also explained that a person known to them had been refused entry earlier into the night but had waited for one of the patrons to exit from the club at closing time and confronted them, this led to an altercation which resulted in the shooting at the Junction of John Ruskin Street.

It also transpired through discussions that the club scan was not working on the night of the incident and also on occasions the club was exceeding the terminal hours granted. The Police officer cautioned them and advised that he will be sending a warning letter.

- On 13 February 2009 a meeting was held between both Police and Council Officer, the management of the premises and also six (6) local residents. The residents had concerns with regards to recent shooting within the vicinity of the premises and also music being heard in the flats above the premises, the premises breaching

licensing conditions and to adhering to the terminal hours and also parking issues on Boundary Lane. The Police officer explained that it appeared one of the patrons of the club was actually a victim of the shooting which happened a few metres away from the club. He also explained Operation Trident was investigating and he could offer no further comments on the issue.

Other issues raised were regards to patrons queuing and blocking the Pavement and debris left outside. Officers explained that as there is a search policy there is bound to be queues, the issue should be if the queues are not being managed properly. Advice was given to call Environment Enforcement officers with regards to debris if it happened again.

Residents requested that the club should put notices at emergency and rear exits stating that CCTV surveillance was in progress, the management of the club agreed to do this.

The review process was explained to the residents and they were advised to keep a diary of said disturbances and breaches.

- On 6 August 2009 Officers from both Licensing and the Environmental Protection Team following notification of abatement notice served by Environmental Enforcement Team made a visit to the premises. Advice was given to management with regards to noise control.
- On 12 December 2009 following information received from the Licensing Police a visit was conducted to check that the club scan was operating according to licence conditions. The premises was found to be compliant.
- On 15 May 2010 officers conducted an induction meeting with Opeyemi Soile the new DPS also present was the licensee - Taiwo Afolabi. The purpose of the meeting was to discuss what is required by the DPS with regards to the licensing conditions.

21. Following notification of the noise abatement notice and also the visit of 06 August 2009. There have been two visits by the Environmental Protection Team to set the sound limiting device on the premises.

Details of the warnings given to the licence holder

22. Following the meeting held on 20 January 2009. PC Compton sent warning letters to Dr Afolabi and the DPS at the time Mr William Lule.
23. On 9 March 2009 following complaints of unlicensed activities beyond terminal hours, warning letters were sent to both the Dr Afolabi and the DPS Mr William Lule.
24. Also on 14 April 2010 warning letters were sent to both the licensee and current DPS Opeyemi Soile, that the Licensing office had been notified by way of a leaflet that the premises will be operating beyond its terminal hours Saturday 17 April 2010 till 4am.
25. Visit were made by both the Metropolitan Police and the Noise Enforcement team on the early hours of Sunday 18 April 2010 during terminal hours and their findings and all other warning letters mentioned are attached as appendix E to the report.

26. An apology letter was received from Taiwo Afolabi with regards to the letter dated 14 April 2010 citing that the time stated on the leaflet was an error made by the printers/designers of the flyers. The letter is attached as appendix f.

Prosecution by the Environmental Enforcement Team

27. Following a statutory noise nuisance witnessed on 8 July 2009 a noise abatement notice was served under the Environmental Protection Act 1990 on Taiwo Afolabi, the licence holder, and Femi Adeko, the DPS at the time.
28. Further statutory noise nuisances were witnessed on 28 August 2009 contravening the abatement notice served in on 8 July 2009. This was following by the seizure of the music equipment from the premises on 15 August 2009
29. On 12 December 2009 Taiwo Afolabi and Femi Adeko were found guilty on three counts in relation to noise and statutory nuisance after being successfully prosecuted by the Councils Environment Enforcement Team.

The Local Area

30. A map of the local vicinity is attached appendix g. For the purposes of scale only the circle on the map has a 100-metre radius. The operating terminal hour of the following premises licensed for regulated entertainment and late night refreshment are shown on the map.

- T – Bar, 39 - 45 Camberwell Road (Mon -Sun – 03.30)
- Alabarma, 11 John Ruskin Street (Sun – Thurs -02.00; Fri & Sat until 03.00)
- Alabarma, 13 John Ruskin Street (Sun – Thurs -00.00; Fri & Sat until 01.00)
- Emukay Restaurant 91 Camberwell Rd (Mon – Sun: until 02:30hrs)

Late night refreshment

- Red Sea restaurant, 85 Camberwell Rd (Mon – Sun until 01.00 hrs)

New application submitted

- Nivla Restaurant, 51 Camberwell Rd SE5, proposed hours requested (Mon – Sun: until 04.00hrs)

Southwark council statement of licensing policy

31. Council assembly approved the Southwark's statement of licensing policy on 4 November 2009. Sections of the statement that are considered to be of particular relevance to this application are.
- Section 3 which sets out the purpose and scope of the policy and re-inforces the four licensing objectives
 - Section 5 which sets out the council's approach with regard to the imposition of conditions including mandatory conditions to be attached to the licence
 - Section 6 details other relevant council and government policies, strategies, responsibilities and guidance, including the relevant articles under the Human Rights Act 1998
 - Section 7 provides general guidance on dealing with crime and disorder and deals with licensing hours
 - Section 8 provides general guidance on ensuring public safety including safe capacities
 - Section 9 provides general guidance on the prevention of nuisance
 - Section 10 provides general guidance on the protection of children from harm.

32. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

RESOURCE IMPLICATIONS

33. No fee is payable in respect of an application for licence review.

CONSULTATIONS

34. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was placed in the January 2009 edition of the Southwark London Press and a similar notice exhibited outside of the premises.

COMMUNITY IMPACT STATEMENT

35. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

SUPPLEMENTARY ADVICE FROM THE STRATEGIC DIRECTOR OF COMMUNITIES, LAW & GOVERNANCE

36. The Sub-Committee is asked to determine, under Section 52 of the Licensing Act 2003, an application, made under Section 51 of the same act, for a review of premises licence. At any stage, following the grant of a premises licence, a responsible authority or an interested party may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
37. The principles, which Sub-Committee members must apply, are set out below.

Principles for making the determination

38. The licensing authority must hold a hearing to consider an application for review of a premises licence where.
- the application is properly made in accordance with Section 51 of the Act.
 - the applicant has given notice in accordance with Section 51(3) of the Act.
 - the advertising requirements provided for under Section 51(3) of the Act are satisfied.
 - the licensing authority has considered the ground(s) of review not to be frivolous, vexatious or repetitious.
 - the licensing authority has considered the ground(s) of review to be relevant to one or more of the licensing objectives.

The four licensing objectives are -

- The prevention of crime and disorder.
- The protection of public safety.
- The prevention of nuisance.
- The protection of children from harm.

39. Each objective must be considered to be of equal importance. The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers necessary for the promotion of the licensing objectives. The steps are to-
- modify the conditions of the licence by altering, omitting or adding any condition.
 - exclude a licensable activity from the scope of the licence.
 - remove the designated premises supervisor.
 - suspend the licence for a period not exceeding three months.
 - revoke the licence.
40. For the purpose of determining a relevant representation under section 52 of the Act a “relevant representation” means representations which –
- are relevant to one or more of the licensing objectives.
 - are made by the holder of the premises licence, a responsible authority or an interested party within the prescribed period
 - have not been withdrawn
 - if made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.
41. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
42. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives.
43. In deciding what remedial action if any it should take, the authority must direct its mind to the causes or concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than a necessary and proportionate response.
44. It is of particular importance that any detrimental financial impact that may result from a licensing authority’s decision is necessary and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

Reasons

45. Where the authority determines an application for review it must notify the determination and reasons why for making it to-
- the holder of the licence.
 - the applicant
 - any person who made relevant representations
 - the chief officer of police for the area (or each police area) in which the premises are situated

Hearing procedures

46. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations
 - Members of the authority are free to ask any question of any party or other person appearing at the hearing

- The committee must allow the parties an equal maximum period of time in which to exercise their rights to
 - Address the authority
 - If given permission by the committee, question any other party.
 - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
- The committee shall disregard any information given by a party which is not relevant
 - to the particular application before the committee, and
 - the licensing objectives.
- The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
- In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

47. This matter relates to the review of the premises licence under section 51 of the Licensing Act 2003. Regulation 26(1)(a) requires the sub-committee to make its determination at the conclusion of the hearing.

Council's multiple roles and the role of the Licensing Sub-Committee

48. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
49. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
50. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
51. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
52. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing

applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.

53. The sub-committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
54. Under the Human Rights Act 1998. The sub committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
55. Interested parties, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

56. Members are required to have regard to the DCMS guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

Finance Director's Concurrent

57. The head of community safety and enforcement has confirmed that the costs of this process are borne by the service.

BACKGROUND DOCUMENTS

Background papers	Held At	Contact
Licensing Act 2003 DCMS Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	Southwark Licensing, C/O Community Safety & Enforcement, The Chaplin Centre, Thurlow Street, London, SE17 2DG	Name: Mrs Kirty Read Phone number: 020 7525 5748

APPENDICES

No.	Title
Appendix A	Copy of the review application
Appendix B	Copy of the premises licence
Appendix C	Copies of representations from interested parties
Appendix D	Copies of representations from Responsible Authorities
Appendix E	Copies of warning letters
Appendix F	Copy of letter from D'Eclipse
Appendix G	Copy of the local area map
Appendix H	List of representations (On closed agenda)

Audit trail

Lead Officer	Jonathon Toy, Head of Community Safety and Enforcement	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	25 May 2010	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	25 May 2010	

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 Sarah Connelly

(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

Postal address of premises or, if none, ordnance survey map reference or description D'Eclipse 57-59 Camberwell Road Camberwell	
Post town London	Post code (if known) SE5 OEZ

Name of premises licence holder or club holding club premises certificate (if known) Dr Taiwo Olayinka Afolabi
--

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 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

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

Connelly

First names

Sarah

I am 18 years old or over

Please tick yes



Current postal address if different from premises address

57C Camberwell Road

Post town

London

Post Code

SE5 0EZ

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

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

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

Please tick one or more boxes

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

Please state the ground(s) for review (please read guidance note 1)

I am applying for a review in respect of D'Eclipse Bar and Nightclub as all attempts to resolve serious, long-term concerns of local residents about the actions of the licensee have been unsuccessful. These have included:

- Talking to the licence holder, requesting that he take steps to rectify the concerns of local residents relating to public nuisance, safety and the prevention of crime.
- Frequent communications with Southwark licensing department about the nature and escalation of breaches to the terms of the original license.
- Written communication with my local MP concerning the nature and breaches to the terms of license.
- Sound limiters being fitted by Southwark Council on club PA system-
- Successful prosecution of licence holder by Southwark Council on three counts of noise and public disturbance.

This application is supported by several of my fellow local residents who will register support via the Southwark website and my local licensing officer, Mr Paul Compton. The licensing register in respect of this business is attached at Annex A. Annex B sets out a log of recorded breaches to the existing licensing terms.

Please provide as much information as possible to support the application

(please read guidance note 2)

I am asking that the Council review the licensing terms of the D'Eclipse restaurant and nightclub with a view to reducing its opening hours, permit to play live and recorded music and permit to sell alcohol to 11am – 11pm Monday to Saturday and 11am – 10.30pm on Sundays.

Grounds for review are set out below and cover the period July 2008 (when D'Eclipse opened for business) to the date of submitting this application.

1. The prevention of crime and disorder and impact on public safety

1.1 The D'Eclipse restaurant and nightclub is situated directly underneath a residential block of flats at the beginning of Camberwell Road, where Walworth Road ends and just before the crossroads for Burgess Park. The area is well served by pedestrian crossings and there is one directly outside the front door of the premises. During daylight hours traffic is slow, however, in the evening the traffic is light but vehicles – including buses – tend to be travelling faster.

1.2 Since opening, D'Eclipse customers have gathered on the narrow pavement on the left side of Camberwell Road, either queuing to enter the nightclub, taking cigarette breaks or being dropped off or picked up at the venue. A consequence of this is that customers frequently run across the road without using the crossing and cars and buses often are forced to make sudden breaks to avoid hitting a pedestrian. The situation is made worse when at closing times (3am on Fridays and Saturdays) cars and taxis for customers pull up and wait on the pedestrian crossing, sometimes two or three backed up along the road and inside the bus lane. Buses and cars often brake and swerve suddenly to avoid vehicles and people collected there. The situation is potentially dangerous to drivers and pedestrians in that immediate area and inevitably adds to the public nuisance caused in terms of noise and disturbance.

1.3 The presence of D'Eclipse restaurant and nightclub has led to an increase of sporadic crime in the area, the most concerning example of which being the shooting which occurred one night in August 2008. A customer of D'Eclipse had been robbed inside the venue and had chased the robbers onto the main road upon when one of the men produced a gun and – in the middle of Camberwell Road - shot another man in the leg. The man was left lying in the middle of road until the emergency services arrived. Whilst there is no evidence that customers of D'Eclipse were in possession of weapons themselves, the fact that the venue attracts people who will steal and carry weapons has, in my view, clear implications for public safety.

1.4 The shooting was an extreme but not isolated example of public disorder related to the presence of the D'Eclipse restaurant and nightclub. Residents and I have witnessed many other examples of fights breaking out directly outside the club. Occasionally the police are called or pull up to intervene but more often the club bouncers move arguing customers along, so that they are not immediately outside the door of the club. I have witnessed fights then continuing across the road and on two occasions on to John Ruskin street. On one occasion, my boyfriend and I watched a customer threaten and chase another customer who went to sit in his vehicle outside Dallas Chicken, which is directly opposite D'Eclipse. The first man then ran off returning 5 minutes later with what appeared to be a crow bar and metal chain and then attempted to attack the second man by breaking his windows whilst he sat in his van. Both men were clearly under the influence of alcohol or drugs. Again, quite apart from the noise these fights and arguments create, they are clear examples where public safety is compromised.

1.4 Finally, I feel I must draw the Council's attention to the threatening behaviour of D'Eclipse staff towards two of my fellow neighbours when they attempted to record that D'Eclipse was operating in breach of its licensing terms (i.e. after 3am on Saturday nights). Both incidents were reported to the police and the Southwark licensing team and full details can be obtained from the Licensing Officer. My understanding from one of the Noise Team officers is that a member of the Noise Team was also threatened by a staff member, although I was not party to the details of the incident.

2. The prevention of public nuisance

2.1 Since opening in July 2008, the D'Eclipse restaurant and nightclub has had a significant impact on the lives of residents of the flats running from 57 to 61 Camberwell Road and the nearby Boundary Lane. For the most part, residents of the flats have been affected by the related noise, litter (including weekly broken glass, beer bottles, urine outside flat entrances) and vermin, which has been a consequence of its vicinity. For residents of Boundary Lane, the presence of D'Eclipse has limited their ability to park outside their homes and has meant they have had to endure noise emanating from the club to the Lane and noise from customers spilling out of the club, which – on the occasions when D'Eclipse operates beyond its licensing hours – can mean up to 4am on a Saturday or Sunday morning. One Boundary Lane neighbour has also had customers come to sit and smoke on her front wall late at night and is regularly awoken by D'Eclipse staff filling their bins at 3am.

2.2 All of the residents I have spoken to and whom support this review say they now feel intimidated to be outside their property when the nightclub is open (late every Thursday, Friday and Saturday night) and customers are in and around the club, smoking, chatting and frequently arguing.

2.3 Three residents of the block whom owned their own properties and objected to the original D'Eclipse licence application have been so adversely affected by the club, in terms of their health and quality of life, and dismayed by the lax terms in which it proceeds to operate that they have felt forced to sell-up. In preparing this document, I contacted past residents to ask for their permission to state that D'Eclipse was a factor in their leaving, Craig Keeley replied:

"It was DIRECTLY related. If D'Eclipse hadn't opened then I would still be living in Camberwell and wouldn't have sold my flat for significantly less than it was previously worth."

Breaches in licence

2.4 The owners and managers of D'Eclipse restaurant and nightclub have repeatedly operated outside the terms of its licence. On several occasions, these breaches have been noted by Southwark's Licensing Team, on others, residents have kept a log and have later informed the Licensing Team. Annex B sets out a log of recorded breaches to the existing licensing terms.

2.5 On the whole, breaches have related to the nightclub staying open, playing very loud music and serving alcohol (although not admitting new customers) beyond the approved times. The 'big pull' nights of Friday and Saturday have seen the most breaches but I have also alerted the Licensing Team to the club being open with live acts playing loud music until 2am on a Wednesday and Sunday nights. In June last year when I began discussing my wish to apply for a review of the license with the Licensing Team, I noted that customers were consistently on the premises between

the hours of 1-2am on Wednesdays and Thursdays, up to 4.30am on Fridays and Saturdays and between 1-2am on Sundays. I should add that loud music was played to these times at levels that were clearly audible in my flat.

2.6 The owners and managers of D'Eclipse have consistently denied to the Licensing Team that they operate outside of the approved licensing times. They have even denied it to residents whilst actually in the process of doing so. However, in their advertising of 'club nights' on Youtube and Facebook, they explicitly advertise closing times beyond 3am or "till late" (see <http://www.youtube.com/watch?v=nzBpKSDeN5A>, where times are quoted 10pm till 5am). Please also see the attached flyer for an event on Saturday 17th April (<http://declipse.co.uk/main/2010/04/09/moulin-rouge/>) advertised as finishing at 4am.

2.7 Other breaches relate to the approved terms of their volume control levels (see below), the approved times when they will empty bins and keeping the fire exit door clear at all times.

Noise.

2.8 A key prerequisite to D'Eclipse being granted a license in summer 2008 was that noise and music levels must be acceptable to local residents. The bar, restaurant and nightclub are directly below a three-storey block of flats and very near to the adjoining Boundary Lane. The Council recognised the close proximity to residents and emphasised the need for appropriate noise control from the premises music system. To that effect, sound limiting equipment was fitted by Council engineers soon after the club opened.

2.9 I live on the third floor of the block, so theoretically, I should be least affected by the noise from the PA system. Every week since D'Eclipse opened, on Thursdays and weekend nights (and other weekday nights noted at Annex C), I have clearly been able to hear music emanating from D'Eclipse. On a low level, the music sounds like a distant and continual thump – this generally begins at 8.30-9pm. When loud, the music and/or MC is clearly audible to a level where sleep is impossible. Often watching TV, reading or listening to my own music is also impossible because concentration is impossible, the only option is to hope that on that night they will at least close by 3am. On evenings when the noise is very loud, my bed, bedroom, hallway and living room walls vibrate. Often (at least once over the course of a weekend) my photoframes will rattle to the beat of the music. By my records, the Southwark noise team have visited my flat 9 times since July 2008 with many more contacts, phone calls, etc, and there was a successful prosecution brought against the club in December 2009, partly due to the nuisance levels witnessed in my flat in August 2009. D'Eclipse's sound system was also confiscated by the Council but the management merely replaced it within one week. Consulting neighbours over the course of putting this application together, several told me that they have also reported high noise and music levels coming from the club. I would be grateful to the Noise and Licensing Team if they could carry-out a full audit of residents complaints relating to D'Eclipse.

2.10 Living with consistently loud music till the early hours of the morning every week has profoundly affected my life and how I feel about living in this area. I work regular hours, like many of my neighbours, which means I would ideally get 7 hours sleep a night. When D'Eclipse is open after midnight, I never get 7 hours sleep, not on weekdays or weekends. I had to visit my doctor late last year because I was regularly only getting 4 hours sleep and was beginning to show signs of stress. I am submitting this form on Monday 29th March, at 1am this morning D'eclipse was playing loud, thumping music and was filled with customers. The fact that the premises is not licensed at this time does not deter D'Eclipse managers or stop the

practice. Further, if I have friends or family visit on a Friday or Saturday night, we have to fight to talk over the noise and vibration coming from the club. It is incredibly stressful to know that the noise will not reduce or stop until the club closes or unless I call the Noise Team and have them visit the flat after midnight. Finally, it makes one desperate to escape ones own home and get away whenever possible: that is the thing I most resent, having lived here very happily for almost 8 years.

2.11 In December last year, the sound limit engineers came to my flat to test the levels from the club. With the noise limiters set there was virtually no music heard or vibration felt, which led the Council official to conclude that the owners of D'Eclipse had deliberately been by-passing the equipment since it was fitted in July 2008. Regrettably, the noise levels do not reduce or desist unless the Noise Team has formally contacted the owners or visited the premises and, shortly afterwards, the levels are always restored to high. This was the case even when PA equipment was confiscated and a successful prosecution brought against the owners.

Designated Premises Supervisor

2.12 The following information, in my view, constitutes a serious breach of licensing terms and an attempt on the part of D'Eclipse management to mislead the Council's Licensing Committee. I leave it to the Committee to form its own view.

2.13 On 2nd July 2008, when Dr Taiwo Olayinka Afolabi presented his case for a grant of a Premises Licence, his representatives told the Committee that the Designated Premises Supervisor for D'Eclipse was a Mrs Tammi Stewart. Mrs Stewart gave oral evidence to the Committee to the effect that she was employed by D'Eclipse to supervise the premises and ensure that the licensing terms were consistently met. Paragraph 12 of the meeting note refers:

"12. The proposed designated premises supervisor Licence is Ms Tammi Stewart. who holds a Personal Licence issued by the London Borough of Bromley. Ms Stewart is also the current DPS."

2.14 Mrs Stewart presented a reassuring case to the Committee, promising to address any emerging concerns from residents, and the license was granted. On the day of the hearing, Mr Craig Keeley, at that time a resident of the block who had opposed the application, asked Mrs Stewart for her contact details, so that he could reach her should the noise and disturbance he had experienced continue. Mr Keeley writes:

"I picked up her phone number in case I had further complaints. When I phoned her a few weeks later it transpired she actually worked for the lawyer representing them at the hearing and they had terminated her relationship with the bar (i.e. D'Eclipse) in the week following the licence being granted."

2.15 In order to check Mrs Stewart's status, I investigated her contact details and as of 5th March 2010, she is recorded as acting as agent to a licensing application to Elmbridge Borough Council in respect of a premises in Esher (this is available on the Elmbridge BC website and I can provide documentation if required).

2.16 The Licensing Committee must come to its own conclusions about D'Eclipse's assertion in July 2008 that Mrs Stewart was in their employ and was the intended Designated Premises Supervisor going forward.

Summary

With the support of several of my neighbours, I am asking the Council to review and restrict the terms of the D'Eclipse restaurant and nightclub license to 11am – 11pm Monday to Saturday and 11am – 10.30pm on Sundays. In my view, this would allow the owners of the premises to continue to run a successful restaurant, bar and music venue without compromising the safety, security and wellbeing of local residents.

Please tick yes

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

If yes please state the date of that application

Day Month Year

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

I was one of the signatories to objections made by Ms Rosa Valverde in May and July 2008 in respect of Mr Taiwo Olayinka Afolabi's applications for a grant of a premises license under the Licensing Act 2003 in respect of D' ECLIPSE LIMITED, 57 - 59 CAMBERWELL ROAD, LONDON, SE5 0EZ (Company No. 06446445).

Ms Valverde has subsequently left the area. Full details of residents' objections can be provided by Licensing Officers.

Please tick yes

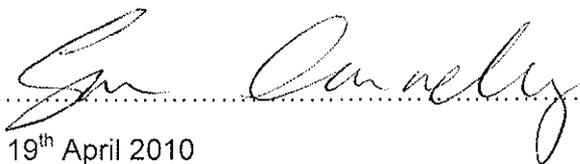
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date

19th April 2010

Capacity Applicant

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

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. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Timeline of communications concerning D'Eclipse restaurant and bar

- 21st May 2008** Local residents object to the premises licence application 827165 applied for by Dr Taiwo Olayinka Afolabi for the premises 57-59 Camberwell Road, SE5 0EZ on grounds of the prevention of crime and disorder, public safety, the prevention of nuisance and the protection of children from harm. Southwark Council grants license.
- 8th August 2008** Phone call to Paul Compton to complain about the noise emanating from the nightclub and report the breaches in opening hours which were already after 3am. Discuss shooting of young man in Camberwell Road and ruckus involving D'Eclipse customers on **6th August 2008**.
- 13th February 2009** Meeting with residents, D'Eclipse management, Paul Compton and Dorcas Mills. Residents set out concerns and breaches in license since July 2008, D'Eclipse management promise to stick to approved licensing restrictions and improve things like access and parking arrangements, emptying bins and litter control, control of noise outside the building. Paul Compton warns management that if they do not comply with license restrictions, they could lose their license entirely. He advises residents to keep diaries of all breaches and disturbances and to inform Dorcas Williams and himself, so they too have a log.
- 1st March 2009** Cat King witnesses D'Eclipse operating at 3.50am and reports this to Paul Compton and Dorcas Mills, staff are threatening to her when she mentions contacting the council, also witnessed by Cat's boyfriend.
- 2nd July 2009** Noise team visit my flat at 0.41am but by that time the loud music had been lowered and a statutory nuisance was not witnessed.
- 4th July 2009** Email from Steve Renn to Paul Compton and Dorcas Mills re events on early morning of Saturday 4th July 2009. Reported threatening behaviour by staff who attempted to confiscate/steal his camera. Also reported breach of license as still open and serving customers well after 4am.
- 6th July 2009** Noise team visit my flat at 1am and witness statutory nuisance and license breach (open after 12am). A reduction in noise level was negotiated and a Noise Abatement Notice served.
- 6th July 2009** Email to Paul Compton and Dorcas Mills verifying the breaches Steve Renn described re morning of **4th July 2009** and reporting the breach re noise in my flat at 1am. The Noise Team were also to inform the Licensing Team.
- 27th July 2009** Email to Paul Compton and Dorcas Mills informing them that the Noise Team had twice witnessed noise levels, which constituted a public nuisance in my flat on **25th July 2009** thereby breaching the abatement notice already served. Noise Team to move to confiscate the sound equipment that week, once a Justice of the Peace had signed-off. A fixed-penalty notice was also issued.
- 7th September 2009** Email Paul Compton and Dorcas Mills querying the decision to grant D'Eclipse with a TEN allowing extension to 5am given its sound equipment had been confiscated in August but immediately replaced by

management. I also attach Facebook entries from D'Eclipse management advertising the bank holiday events.

8th September 2009 Email Dorcas Mills following her response to my email the previous day thanking her and explaining that before the equipment was confiscated I was having to call the team out most weekends between 12am and 4.30am.

20th September 2009 Noise Team visit flat at 0.25am but did not consider level to be a statutory nuisance.

26 November 2009 Email Paul Compton and Dorcas Mills, copying to Bruce Young and Debra Lawless of the Noise Team reporting that D'Eclipse has been open the night before (Sunday) serving customers until past 1am, which was a clear breach of the approved license. Customers heard arguing as they spilled out into Boundary Lane around 1.20am. The Noise Team had been called to my flat by but music had been lowered by the time Bruce Young and his colleague arrived and they did not witness a level that constituted a public nuisance. The music continued at an level easily audible in my bedroom until approx 1.15am - live act with MC clearly heard talking between songs.

Debbie Lawless has arranged for the sound engineers to visit my flat

4th December 2009 Southwark Council bring successful prosecution on three counts against Taiwo Olayinka and Femi Adeko in relation to noise and public nuisance. Councillor Linda Manchester issues press release heralding the prosecution as illustrative of Southwark's commitment to local residents.

17th February 2010 Email to Paul Compton and Dorcas Mills to report that after a relatively quiet period in early January, D'Eclipse opening times had crept up over the weekends with guests not evacuated from the premises until after 3am and midnight on Sundays. The worst case of this was on the evening of **Sunday 14th February** when a live event was held (the MC could be clearly heard in my bedroom, hollering over the music) which ended at 3am. I again reported that the music and vibration levels were such that it was more clear proof that D'Eclipse managers were by-passing the sound limiters imposed by the Council. Requested that a weekend visit to D'Eclipse be prioritised to remind managers of licensing requirements. Asked advice re writing to Councillor Linda Manchester directly as her portfolio covers licensing, noise, anti-social behaviour to request a meeting and a quick site-visit as part of the appeal process. Noted issue of customers running straight out on to Walworth Road/Camberwell Road with cars and buses having to brake suddenly to avoid an accident.

21st March 2010 Call to Noise Team at 1am on Sunday morning to report loud music and request a visit from team. Noise is reduced by 2am when Team call back, so I ask that they don't visit. Music still clearly audible and loud.

11th April 2010 Call to Noise Team at 1.45am to register loud music audible in flat. Team visit at 2.30am and do not consider the level to be at a statutory nuisance, however, they agree the bass is too loud and visit D'Eclipse, requesting it is lowered.

Licensing Act 2003 Premises Licence



Environmental Health & Trading Standards
Licensing Unit
Chaplin Centre
Thurlow Street
London SE17 2DG

Premises licence number

831781

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
D' Eclipse Bar & Restaurant 57-59 Camberwell Road London SE5 0EZ Ordnance survey map reference (if applicable), 177758532435	
Post town London	Post code SE5 0EZ
Telephone number	

Where the licence is time limited the dates

Licensable activities authorised by the licence

Films - Indoors
Live Music - Indoors
Recorded Music - Indoors
Performance of Dance - Indoors
Entertainment Similar to live/recorded music - Indoors
Facilities for Making Music - Indoors
Facilities for Dancing - Indoors
Provisions Similar to making music and dancing - Indoors
Late Night Refreshment - Indoors and outdoors
Sale by retail of alcohol to be consumed on premises

The opening hours of the premises

For any non standard timings see **Annex 2**

Monday	10:00 - 00:30
Tuesday	10:00 - 00:30
Wednesday	10:00 - 00:30
Thursday	10:00 - 00:30
Friday	10:00 - 03:00
Saturday	10:00 - 03:00
Sunday	10:00 - 00:30

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

Sale by retail of alcohol to be consumed on premises

The times the licence authorises the carrying out of licensable activities

For any non standard timings see Annex 2 of the full premises licence

Films - Indoors

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 02:30
Saturday	10:00 - 02:30
Sunday	10:00 - 00:00

Live Music - Indoors

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 02:30
Saturday	10:00 - 02:30
Sunday	10:00 - 00:00

Recorded Music - Indoors

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 02:30
Saturday	10:00 - 02:30
Sunday	10:00 - 00:00

Performance of Dance - Indoors

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 02:30
Saturday	10:00 - 02:30
Sunday	10:00 - 00:00

Entertainment Similar to live/recorded music - Indoors

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 02:30
Saturday	10:00 - 02:30
Sunday	10:00 - 00:00

Facilities for Making Music - Indoors

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 02:30
Saturday	10:00 - 02:30
Sunday	10:00 - 00:00

Facilities for Dancing - Indoors

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 02:30
Saturday	10:00 - 02:30
Sunday	10:00 - 00:00

Provisions Similar to making music and dancing - Indoors

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 02:30
Saturday	10:00 - 02:30
Sunday	10:00 - 00:00

Late Night Refreshment - Indoors and outdoors

Monday	23:00 - 00:00
Tuesday	23:00 - 00:00
Wednesday	23:00 - 00:00
Thursday	23:00 - 00:00
Friday	23:00 - 02:30
Saturday	23:00 - 02:30
Sunday	23:00 - 00:00

Sale by retail of alcohol to be consumed on premises

Monday	10:00 - 00:00
Tuesday	10:00 - 00:00
Wednesday	10:00 - 00:00
Thursday	10:00 - 00:00
Friday	10:00 - 02:30
Saturday	10:00 - 02:30
Sunday	10:00 - 00:00

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Dr Taiwo Olayinka Afolabi
8 Wessex Walk, Bexley, Dartford,
DA2 7WE

Registered number of holder, for example company number, charity number (where applicable)**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Opeyemi Soile
8 Wessex Walk,
Bexley,
Kent, DA2 7WE

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence No. DH/PER/809/2010
Authority Dartford Borough Council

Licence Issue date 08/04/2010

.....
Environmental Health & Trading
Standards Business Unit Manager
Chaplin Centre
Thurlow Street
London SE17 2DG
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

100 No supply of alcohol may be made under the Premises Licence -

- a. At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- b. At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

101 Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.

107 That SIA registered Door Supervisors shall be employed from 8.00 pm each day until the end of trading.

485 Appendix A The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 - Schedule of Mandatory Licence Conditions

1(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

(a) games or other activities which require or encourage, or are designed to require, encourage, individuals to -

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

(i) the outcome of a race, competition or other event or process; or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

486 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a disability).

487 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

488 (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2). The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

489 The responsible person shall ensure that -

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

(i) Beer or cider: 1/2 pint;

(ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) Still wine in a glass: 125 ml; and

(b) Customers are made aware of the availability of these measures

Annex 2 - Conditions consistent with the operating Schedule

173 That the toilets in the premises shall be checked regularly by staff to ensure that no illegal activities are taking place in them.

223 Staff shall be trained in the use of the portable fire fighting equipment made available at the premises.

248 All escape routes and exits including external exits shall be maintained unobstructed, in good order with non-slippery and even surfaces and be kept free of trip hazards.

255 That portable H2O (water) and CO2 (Carbon Dioxide) fire extinguishers shall be kept on both floors and behind each bar in the premises in easily accessible and unobstructed positions available for instant use.

256 That a fire alarm providing 24 hour monitoring and smoke detection is fitted to monitor the entire premises and is fitted to BS5839 standard.

263 That the premises will be adequately fitted throughout with emergency lighting and illuminated signage indicating emergency escape routes and emergency exits.

303 That the Licensee shall require any outside promoter hiring the premises to complete the Metropolitan Police Venue Hire Agreement provided by the police, and provide a copy of the completed agreement to the Police a minimum of 14 days prior to the date of the event.

309 The sound limiting devices which have been installed (3) at the premises are to be set by the Environmental Protection Team to control each of the areas and in combination-representing the concurrent use of all systems.

310 The entrance door shall remain closed during regulated entertainment except for entry and exit to and from the premises.

326 That there shall be regular staff training in regards to the sale of any age restricted products sold or supplied at the premises.

332 Children under the age of 18 will only be permitted entry to the premises whilst accompanied by their parent(s), legal guardian(s) or other responsible adult(s) and shall only be permitted to be at the premises until 21.00 hrs (9.00 pm). Any exemption to this rule must requested from and be permitted by Southwark Police Licensing Office and licensing authority.

340 All emergency exits should be kept shut at all times except for emergency access or egress.

341 That the number of people allowed to congregate outside to smoke shall be no more than 6 persons on Camberwell Road only.

342 No drinks are to be taken outside at anytime.

343 No additional amplification shall be added to the existing amplification system unless the addition of such equipment has been agreed with by an officer of the Environmental Protection Team, and the existing amplification system and P.A. equipment shall not be relocated in the premises unless the relocation of such equipment has been agreed with by an officer from the Environmental Protection Team.

344 Live music performances on the ground floor by use of the piano or similar instrument and amplification is to be controlled by way of the sound limiting device(s) set by the Environmental Protection Team.

- 345** 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.
- 346** That the kitchen shall be equipped with a heat and smoke detection system, fire blanket and H2O (Water) and CO2 (Carbon Dioxide) water extinguishers.
- 347** That all certification relevant to the emergency lighting, illuminated emergency signage, fire fighting equipment and fire detection systems shall be in place at the premises to the satisfaction of the council.
- 348** Access for emergency vehicles shall be kept clear and free from obstruction.
- 349** That emergency exits leading to Boundary Lane shall not be used to gain entry to the premises
- 350** That the Designated Premises Supervisor (DPS) shall be available to liaise with local residents and that a contact telephone number for the DPS shall be displayed inside the premises or immediately outside the premises such that it is clearly visible from outside without the need to enter the premises.
- 351** Customers will not be allowed to loiter outside of the premises. Customers who are waiting for a taxi will be asked to wait in the lobby area and customers who are leaving the premises will be told to vacate the area in a quiet and orderly manner. The premises shall operate a 'Zero Tolerance' policy in regards to customers causing a disturbance outside of the premises and / or engaging in disorderly, criminal or anti social behaviour.
- 352** That staff will be positioned on Boundary Lane to aid in the prevention of customers causing disturbance to local residents.
- 353** That parking allocated for customers using the premises shall be made available at the church on Camberwell Road.
- 354** That live music shall end 30 minutes before the premises closes and may only be substituted with music played at 'background' level.
- 355** Glass containers supplied at the premises will not be permitted to be taken outside of the premises.
- 356** The maximum number of person that shall be accommodated at any one time shall not exceed two hundred and twenty (220) on the Ground Floor and (220) two hundred and twenty on the Basement Floor.

Annex 3 - Conditions attached after a hearing by the licensing authority

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

762 No refuse may be placed into receptacles outside the premises between 22.00 (10pm) and 08.00 (8am).

788 CCTV shall be installed, operated and maintained in agreement with the police. The system will enable frontal identification of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be available to the police within 24 hours of any request.

804 The contact number for the duty manager shall be displayed inside the premises or immediately outside the premises such that it is clearly visible from outside without the need to enter the premises.

811 Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the area quietly.

824 A dedicated licensed taxi/mini cab service shall be available for customers. Customers are to be encouraged to remain on the premises until the arrival of the taxi/mini cab.

840 All instances of crime and disorder shall be reported to the police.

841 An incident book shall be used to record all instances of public disorder.

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

843 Clear and prominent notices shall be displayed on the premises advising customers to report any concerns to the management.

844 The entertainment noise control system shall be monitored, checked and calibrated as necessary so that the approved levels set by the council are not exceeded.

845 'Bottling' outside of the premises is prohibited between 18.00 (6pm) and 10.00 (10am).

846 The minimum entry age will be 21 but a 'Challenge 23' policy shall be adopted at the premises. Any persons who appear to be under the age of 23 will have to provide evidence in the form of a passport or other valid photo identification that shows that they are 21 years of age or over.

847 A refusals log shall be maintained at the premises. The refusals log shall be made available to an authorised officer or a police officer on request.

848 No customers shall be permitted to queue in Boundary Lane.

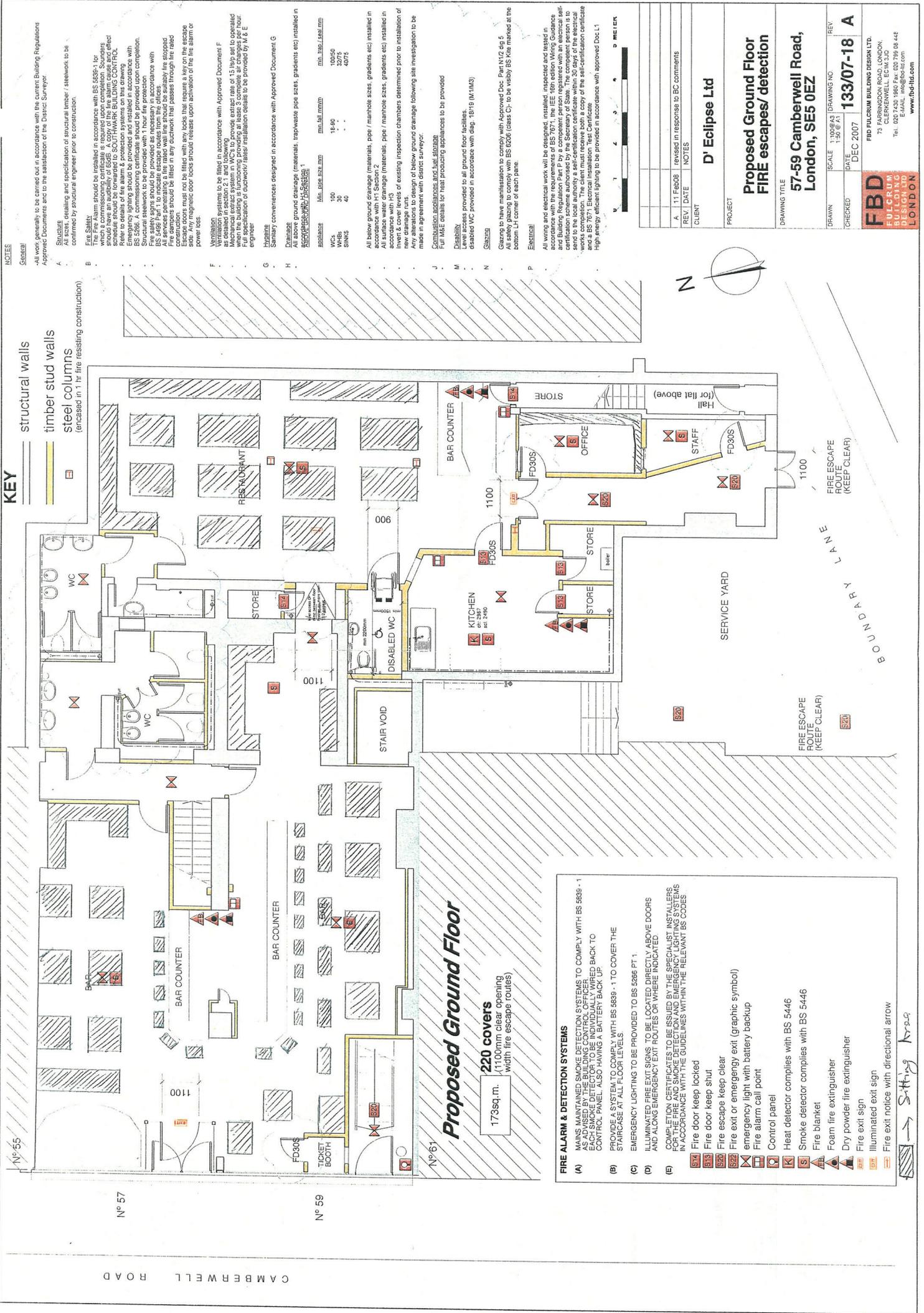
849 The rear fire exists shall not be used for access to the premises.

924 The management shall provide sufficient number of door supervisors to prevent the admission of any disorderly persons into the premises and to ensure the departure from the premises of any disorderly people, without causing further disorder.

931 Doors and windows to the premises shall be kept closed at all times when regulated entertainment is taking place.

Annex 4 - Plans - Attached

Licence No.	831781
Plan No.	133/07-19A
Plan Date	December 2007



NOTES

- General:
 - All work generally to be carried out in accordance with the current Building Regulations Approved Documents and to the satisfaction of the District Surveyor.
- A: Structure, sealing and specification of structural timber / steelwork to be confirmed by structural engineer prior to construction.
- B: Fire Safety:
 - The Fire Alarm should be installed in accordance with BS 5839-1 for which a commissioning certificate is required upon completion. Sounders should be installed in accordance with BS 5839-1 and the fire alarm control panel should be forwarded to SC-THVAK BUILDINGS CONTROL.
 - Refer to details of fire alarm & protection systems on the drawing.
 - Emergency lighting should be provided and installed in accordance with BS 5266-1.
 - Structural steelwork to be provided with 1 hour fire protection.
 - Fire safety signs should be provided as necessary in accordance with BS 5446-1.
 - All services penetrating a fire rated wall/floor should be suitably fire stopped.
 - Fire dampers should be fitted in any ductwork that passes through fire rated side. Any magnetic door locks should release upon activation of the fire alarm or power loss.
- F: Ventilation:
 - Ventilation systems to be fitted in accordance with Approved Document F.
 - Mechanical extract system in WCs to provide extract rate of 15 l/s/p set to operate when the building is functioning providing at least 3 changes per hour. The location of extractor flues installation shall be provided by M & E engineer.
- G: Hygiene:
 - Sanitary conveniences designed in accordance with Approved Document G.
- H: Drainage:
 - Drainage ground drainage (materials, appropriate pipe sizes, gradients etc) installed in accordance with Approved Document H.
- I: Accessibility:
 - WCs: 100
 - W/Bs: 30
 - S/Ws: 40
- J: All below ground drainage (materials, pipe / manhole sizes, gradients etc) installed in accordance with BS 5242.
- K: All surface water drainage (materials, pipe / manhole sizes, gradients etc) installed in accordance with H3.
- L: Invert & cover levels of existing inspection chambers determined prior to installation of any alterations to design of below ground drainage following site investigation to be made in agreement with district surveyor.
- M: Combustion appliances and fuel storage:
 - Full MSE details for heat producing appliances to be provided.
- N: Disability:
 - Disability facilities provided to all ground floor facilities.
 - Disabled WC provided in accordance with Reg. 18(1)(b) (M1M3).
- O: Signage:
 - Glazing to have manifestation to comply with Approved Doc. Part N12 4g, 5.
 - All safety glazing to comply with BS 6206 (class C) - to be visibly BS Kite marked at the bottom LH corner of each pane.
- P: Electrical:
 - All wiring and electrical work will be designed, installed, inspected and tested in accordance with the requirements of BS 7671, the IEE 17th edition Wiring Regulations and Building Regulation Part P by a competent person registered with an electrical self-certification scheme authorised by the Secretary of State. The competent person is to be named on the drawings and a copy of their certificate of competence must be provided with the works completion. The client must receive both a copy of the self-certification certificate and a BS 7671 Electrical Installation Test Certificate.
 - High energy efficient lighting to be provided in accordance with approved Doc L1.

FIRE ALARM & DETECTION SYSTEMS

- (A) MAINS MAINTAINED SMOKE DETECTION SYSTEMS TO COMPLY WITH BS 5839-1. EACH SMOKE DETECTOR TO BE INDIVIDUALLY WIRED BACK TO CONTROL PANEL. ALSO HAVING A BATTERY BACK UP.
- (B) PROVIDE A SYSTEM TO COMPLY WITH BS 5839-1 TO COVER THE STAIRCASE AT ALL FLOOR LEVELS.
- (C) EMERGENCY LIGHTING TO BE PROVIDED TO BS 5266 PT.1.
- (D) ILLUMINATED FIRE EXIT SIGNS TO BE LOCATED DIRECTLY ABOVE DOORS AND ALONG EMERGENCY EXIT ROUTES OR WHERE INDICATED.
- (E) COMPLETION CERTIFICATES TO BE ISSUED BY THE SPECIALIST INSTALLERS FOR THE FIRE AND SMOKE DETECTION AND EMERGENCY LIGHTING SYSTEMS IN ACCORDANCE WITH THE GUIDELINES WITHIN THE RELEVANT BS CODES.

- FD30** Fire door keep locked
- S33** Fire door keep shut
- S20** Fire escape keep clear
- S22** Fire exit or emergency exit (graphic symbol) emergency light with battery backup
- S21** Fire alarm call point
- S23** Control panel
- K** Heat detector complies with BS 5446
- S** Smoke detector complies with BS 5446
- ▲** Fire blanket
- ▲** Foam fire extinguisher
- ▲** Dry powder fire extinguisher
- ▲** Fire exit sign
- ▲** Illuminated exit sign
- ▲** Fire exit notice with directional arrow

Proposed Ground Floor

173sq. m.
220 covers
(1700mm clear opening
width fire escape routes)



D' Eclipse Ltd

**Proposed Ground Floor
FIRE escapes/ detection**

DRAWING TITLE: 57-59 Camberwell Road, London, SE5 0EZ

SCALE: 1:300 @ A1
DRAWING NO: 133/07-18
DATE: DEC 2007
CHECKED: A

CLIENT: D' Eclipse Ltd

PROJECT: Proposed Ground Floor FIRE escapes/ detection

DRAWING NO: 133/07-18
DATE: DEC 2007
CHECKED: A

FBD FULCRUM BUILDING DESIGN LTD
73 FARRINGDON ROAD LONDON, CLERKENWELL, EC1M 3JQ
Tel: 020 7430 1980 Fax: 020 759 88 44
Email: info@fbd.co.uk
www.fbd.co.uk

Mills, Dorcas

APPENDIX C

From: [REDACTED]
Sent: 18 May 2010 16:55
To: Mills, Dorcas
Cc: paul.compton@met.police.uk
Subject: Review of D'Eclipse Bar & Restaurant: Licence Number 831843
Attachments: statementSundayMorning010309.doc

Dear Dorcas

I wish to add my support to the application for a review of the licence of D'Eclipse nightclub, 57-59 Camberwell Road SE5 0EZ, as recently requested by [REDACTED]. My name is [REDACTED] and I live at [REDACTED] Camberwell Road SE5 0EZ, above the premises in question.

I would like my communications with the Council's Noise Team and Licensing Team and with the police to be noted as part of the review. I also wish the appropriate authorities responsible for fire safety to be involved.

My concerns are detailed below.

Public safety

I have been subjected to personal abuse by the owner of the premises, [REDACTED] staff and by customers, including being repeatedly called a racist. A copy of my statement to police regarding an incident in the early hours of 1 March 2009 is attached.

Numbers of staff and customers in excess of 10 regularly gather outside the front of the premises, either smoking or using their mobile phones, obstructing the pavement and the pedestrian crossing. On some nights when the basement nightclub is operating, 4 or 5 doorman may be outside the entrance, obstructing the pavement. Doormen have allowed queues to form along the front of the premises on many occasions, some members of whom may be arguing forcefully to be allowed entry, endangering those who have to pass by, or often through, them.

Cars, including minicabs, park on the pedestrian crossing 'zigzags' while picking up and dropping off D'Eclipse customers, endangering those using the crossing. In the past D'Eclipse placed 'no parking' traffic cones along stretch of road, but they haven't done so for many months.

Customers loiter around cars parked in Boundary Lane and Grosvenor Terrace, and in the yard behind the premises, where the doors to the flats above are located. This creates an intimidating atmosphere, particularly for female residents or visitors.

I have observed that the front entrance, which I understand is a fire exit while the ground floor is in use by customers, is often blocked by internal blinds or external metal shutters.

Public Nuisance

Staff and customer use the rear fire door throughout the time the club is open, and staff also use it when they leave, which can be after 5am. Voices or noise made by the metal fire door is amplified by the small yard, which has buildings on 3 sides containing residents' bedrooms. My lodger has moved out due to this disturbance.

19/05/2010

Rubbish, including bottles, is put out via the rear firedoor during the night, including after closing time.

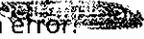
Customers urinate in Boundary lane and the yard behind the premises. I have witnessed a man emerge from the premises through the rear firedoor, go around the corner into another yard area, and re-appear a few minutes later fastening his trousers before re-entering the premises through the firedoor.

Staff and customers gather to smoke in the rear courtyard, causing noise and litter.

Customers loiter around cars in Boundary Lane and Grosvenor Terrace. D'Eclipse management used to post a doorman in Boundary Lane, but no longer do so. For a couple of weeks in the autumn of 2009 a man claiming to be a member of staff stood outside the rear firedoor, but he was entirely ineffective at preventing any nuisance.

Customers are not being dispersed on leaving, which is usually between 10 and 40 minutes after the premises are supposed to close. (Staff have been shown to be confused, believing the premises' closing time set by the licensing committee was merely a 'no-readmittance-after' time and had a notice to this effect displayed inside the front entrance until February 2009). The noise from customers leaving is very loud (car horns, engine revving, shouting), as the Noise Team have witnessed. Cars, including minicabs, park on the pedestrian crossing 'zigzags' while picking up and dropping off D'Eclipse customers, often announcing their presence with their horns. Fights often break out during this period, and the police sometimes attend.

Music from the front and rear of the premises is clearly audible in my flat, particularly the beat, although I am on the 3rd floor.

On a few occasions people looking for D'Eclipse have rung my doorbell in error. 

Crime and disorder

There have been many fights involving D'Eclipse customers or those who have been refused entry at the door, both in front of the premises and in Boundary Lane.

Regards

18 May 2010

Events of Sunday 1 March 2009

I had been hearing voices and music getting louder since around 2.45, which I believed to be associated with the D'Eclipse nightclub, 57-59 Camberwell Road SE5. I rang D'Eclipse (07958 213 996) at about 3.30 but it rang out for a while before being picked up by an answering machine.

I then rang the Southwark Noise Team (also at about 3.30). The Noise Team said that they would log the call, but mentioned that it would be difficult to be sure whether the noise was associated with D'Eclipse.

I could see from my window a group of between 5 and 15 people across the road by the pedestrian crossing. The number varied as some left while others crossed the road to join, from the direction of D'Eclipse. Cars were hooting their horns at people who crossed in front of them.

The noise continued so I decided to go down to the street about 3.45 to check that it was the club that was involved. I saw that people were stood outside the club and also still leaving through the door (the shutter was a third lowered), so I walked past it on the other side of the road and sat on a bench opposite the T Bar to see when it would actually close. There was no longer any music at this point. There were 5 or 6 young men shouting and running about at the junction of Boyson Road, and a group of about 10 to 15 outside D'Eclipse, which was gradually thinning out. However, people continued to enter and leave the club through the part lowered shutter. At one point the shutter was briefly fully lowered, and then raised again.

At about 4am (I had checked the time a little earlier at 3.57) I saw three men leave the club and cross the road, and walk towards me on my side of the road. As they approached I recognised two of them as Dr T Afolabi, the owner of the club and Jak, one of the managers. The third appeared to be a bouncer.

Dr A stood in front of me as I sat on the bench and immediately started jabbing his finger at me and wagging it in my face and shouting. He told me several times to be quiet when I tried to speak. Jak said a couple of things, but the other man said

nothing. This continued for about a minute, then they walked back to the crossing, crossed the road and walked to the junction of Boundary Lane, where they turned.

As he stood over me, Dr A shouted that I should not make trouble for him and his club, and did I want to see him closed down. I started to reply but he told me to be quiet.

He said that he had spent 2 million pounds on the club. I asked him if he was threatening me, as I was aware that as well as owning the club he owns the block of flats (57-67 Camberwell Road SE5) in which I hold a lease.

He said he was a businessman, that he “paid his taxes to the government but I was paid taxes by the government”. I asked him what he meant but he ignored me. I found this unnerving as I am a civil service pensioner (perhaps what he meant) but I do not know how he would know that.

He said: why did I not find something to do. I said I had been trying to sleep, and that there would be no problem if he closed on time. He then said “I am a black man and you are a racist. Do not make trouble for my club.” I said “Or what?” but they walked off. As they left he shouted a couple of things that I could not make out, but I heard him say to the third man “That is a bad man”, while gesturing towards me, which I felt might be a sort of implied instruction. When I saw that they had turned into Boundary Lane, which is where the door to my flat is, I felt I might be in danger when I went home so I dialled 999. I noted it was then 4.09.

They clearly came out of their way to speak to me, as they had to cross the road. I had not had any contact with anyone as I walked to the bench, and I had not left a message on the answering machine.

I was particularly shocked as my previous contacts with staff at the club had been pleasant, and I had certainly not been the most vocal amongst the residents living near the club in terms of complaints. I had been in regular contact with the managers, to alert them to things that I thought might, or had caused, problems, but with a view to resolving them. Dr A has even written previously to thank me.

It occurs to me that Dr A might have been angry that I had attended a meeting with Jak and William Lule from D'Eclipse , Paul Compton from Southwark North Police Licensing Unit and Dorcas Mills from Southwark Licensing, and other residents, on Friday 13 February 2009. I had not initiated this meeting but had supported it as my approach had had very little success. Alternatively, he might have learned of my complaint to the Noise Team, or been embarrassed that I was witnessing him breaching his licence conditions regarding opening hours so blatantly.

~~_____~~

_____ Camberwell Road

1 March 2009

From: [redacted]
Sent: 18 May 2010 10:53
To: Mills, Dorcas
Subject: FW: License Number 831843 Premises (Review)

-----Original Message-----

From: [redacted]
Sent: 18 May 2010 10:50
To: Regen, Licensing
Subject: License Number 831843 Premises (Review)

My name is [redacted]. My husband [redacted] and I live at [redacted] Boundary Lane, London SE17 2BH, and I wish to make known my objections to the licence previously granted to "D'Eclipse Bar and Restaurant."

My objections are mainly on the grounds of public nuisance. My house, and in particular my bedroom, is almost directly opposite the "back" door of the premises, used by the staff, mainly for entrance, exit, and provisioning of the premises.

According to the operating conditions quoted, *No 351* states "Customers will not be allowed to loiter outside of the premises. Customers who are waiting for a taxi will be asked to wait in the lobby area and customers who are leaving the premises will be told to vacate the area in a quiet and orderly manner. The premises shall operate a "Zero Tolerance" policy in regards to customers causing a disturbance outside of the premises and / or engaging in disorderly, criminal or anti social behaviour". I am regularly woken by people leaving the premises and talking, shouting laughing and generally making a lot of noise outside in the road as they get into their cars or taxis. I no longer keep a log of these disturbances, as they have become routine. On Saturday night/Sunday morning, 15th May 2010 for example, there was sporadic noise outside my house for half an hour from about 3.10 a.m.

*No 352 *states "That staff will be positioned on Boundary Lane to aid in the prevention of customers causing disturbance to local residents."
I have not seen a staff member or members in Boundary Lane for some time. Incidentally, I seem to recall that on the occasion of the granting of the licence it was agreed that parking would be discouraged in Boundary Lane. This seems to be regularly ignored, and parking for residents returning from work in the evening has become impossible.

*
No. 762* states "No refuse may be placed into receptacles outside the premises between 22.00 (10pm) and 08.00 (8am)" This condition is regularly ignored, as bottles and other items of rubbish are regularly and noisily disposed of at all hours of the evening and early morning.
Again, I no longer keep a log of these incidents as they happen so often
- I prefer to try and go back to sleep.

Signed

[redacted signature]

Information from ESET Smart Security, version of virus signature database 5123 (20100518)

The message was checked by ESET Smart Security.

<http://www.eset.com>

From: [REDACTED]
Sent: 18 May 2010 22:54
To: Regen, Licensing
Subject: D'Eclipse license review

Dear Dorcas

I would like to support the application for a review of the license provided to the D'Eclipse nightclub at 57-59 Camberwell Road as recently requested by my neighbour, [REDACTED]

I gather that issues of public safety and crime and disorder have been raised by other residents, but my main concern centres around the public nuisance caused by the club failing to operate within the terms of its license. I live on the second floor of the flats at [REDACTED] Camberwell Road and find it impossible to sleep until the sound system at D'Eclipse is turned off. Live acts or DJs tend to be particularly noisy, and I have on occasions been able to feel the vibrations bouncing off my walls. If, as required by the club's license, the music is turned off at 3am I tend to feel thankful, as on many occasions the noise has continued much later. However, even on those nights when the music ceases at 3am, there is almost always further disturbance which makes uninterrupted sleep difficult or impossible.

I often hear shouts/screaming matches/loud arguments outside the club as customers leave the premises. Sometimes I get out of bed to peer through my front room windows at what is happening below and, although I have no view of the club's front exit, I have seen D'Eclipse customers weaving across Camberwell Road clearly the worse for wear; people on opposite sides of the road shouting at each other; people arguing and so on.

Even after the customers have dispersed there is further disturbance. Once I have managed to fall asleep I am often woken up by loud banging noises, which sound rather like a door being slammed shut. I am not entirely sure what these noises are - at that hour I am far too drowsy to get up and investigate - but they frequently continue, off and on, until 5/6/7am. The fact that I don't hear these noises on nights when the club does not have a late license makes me think that D'Eclipse is, in some way, responsible. I suspect that the workers at the club may be moving equipment around/emptying rubbish via the rear fire door/running in and out of the D'Eclipse-owned flats in the block but, as I say, I have no proof. Whatever the cause, I find this 'early hours' noise even more of an irritant than the music from the club, which in some ways I have now adapted to.

I would like to add that I would have no gripe with D'Eclipse if they operated within the terms of their license, but unfortunately this has not been the case on all too many occasions.

Kind regards

[REDACTED]

[REDACTED] Camberwell Road



To:Licensing Team
Southwark Council
Ref:Licence no:831843
D'Eclipse Bar and Restaurant
57-59 Camberwell Road
LONDON SE5 OEZ

17th May 2010

To whom it my concern,

I wish to express my support of the objection lodged against D'Eclipse and their Licensing hours.

I am resident at [redacted] Camberwell Road and have been during the past 18 years during which period I had not experienced any problems until the arrival of this business. My front door, kitchen and bedroom windows look out onto Boundary Lane ,opposite the staff only entrance of D'Eclipse. During the weekend I now expect to get woken anytime from midnight to 5am when D"Eclipse customers congregate around this staff entrance and shout .drink and smoke, causing great disturbance.I often witness customers entering and exiting this door , and urinating around the residents bins .

I feel very vulnerable exiting and entering my flat .

The noise from the rear door of the club,directly under our flats is asbsurdly loud and clearly audible from outside.

The degree of exposed kitchen rubbish,cooking oil canisters from the club has greatly increased and now mounts up around our refuse bin area adding to an existing vermin issue.

Should the club take greater responsibility for noise disturbance ,anti-social behaviour and general hygiene this would feel far less upsetting and miserable place to live.

I hope some respectful compromise can be met,

Yours sincerely

A redacted signature area at the bottom of the letter, where the name of the sender has been obscured by black ink.

From: [REDACTED]
Sent: 19 May 2010 00:20
To: Regen, Licensing
Subject: Objection against license application no. 831843



[REDACTED]
Camberwell Road
London
SE5 0EZ

Southwark Licensing Team
Chaplin Centre
Thurlow Street
London
SE17 2DG

Objection against license application no. 831843

Dear Sir/Madame,

We are writing to you to lodge an objection against license application no.831843 submitted by Dr Taiwo Olayinka Afolabi for the premises of D' Eclipse Bar & Restaurant at 57-59 Camberwell Road SE5 0EZ.

The reason for the objection is our concern about the noise made by party goers on the street and the implications on safety in the neighbourhood.

Our flat is located at [REDACTED] Camberwell Road, about 20 meters down the road from the above mentioned premises. In the past we have been often awoken in the middle of the night by drunken, screaming and shouting crowds spilling out from DEclipse Bar onto the street and passing by in front of our building. This has been rather disturbing especially since, as many of the nearby buildings, ours as well is a period terrace house converted into flats with old single glazed sash windows which provide very low level of sound insulation against external noise.

Also, parties held at this venue have often ended up in fights on the street. I have personally witnessed one stabbing earlier this year and this was apparently not the only such incident. As far as I know, in the past year, in spite of the heavy presence of doormen in front of the premises, there have been a number of stabbings and even at least one shooting in the vicinity of the DEclipse Bar by people visiting the bar. This has made us and other residents feel unsafe about the area especially at night.

In light of the above, we strongly feel that the license application should be denied.

Yours faithfully,

19/05/2010



From: 
Sent: 18 May 2010 18:04
To: Mills, Dorcas
Subject: D'Eclipse Bar licence number 831843

Dear madam

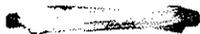
I currently reside at  Camberwell Road (not the owner but pay council tax etc) over the furniture store next to D'Eclipse Bar & Restaurant and request to add my support to have a review of the licence for these premises.

One word can describe Thursday, Friday and Saturday nights and its not heaven. Its like there's a riot in the street at 3am and its not just occasionally its every week. Sound insulation for this "club" appears to be zero and the flat I live in is not directly above it. As someone who designs and builds, I'm left wondering if any account of noise levels, fire strategy or insulation had been taken into account before the club was agreed and passed by Southwark Council. It would be interesting if an incident did occur to see how well the structure, the exits etc coped (and everything on top of it).

This is a residential building and currently not a safe place to live. I can understand why people are not wanting to go out to be met by either a drunk mob of lads and lasses or intimidated by umpteen bouncers outside your main door. Also I find it strange from a personal safety point of view that you have A3 sized notices posted up with a females name on it asking for a review of the clubs license. I'm sure this could have been undertaken in a more sensible way as you do have a 'duty of care' to the person.

Also I see we are to soon have another 'establishment' two doors down applying for a 4am license. I fear the residents voices are not being taking into account in this already busy area. Noise pollution really isn't nice and really effects peoples well being.

Regards



 Camberwell road

18th May 2010

--
This email, and any files transmitted with it, is confidential and may be privilege
Bouygues (U.K.) Limited, Waterloo Centre, Elizabeth House, 39 York Road, London S

PART 7 G

From: [REDACTED]
Sent: 19 May 2010 15:10
To: Mills, Dorcas; Parkins, Richard; paul.compton@met.police.uk
Subject: Licencing - D'Eclipse Camberwell Rd

Dear Licensing Team,

I am writing to lodge my very strong objection to the continued licensing of the premises of D'Eclipse 57-59 Camberwell Road: SE5. I used to reside at [REDACTED] Camberwell Road when my girlfriend had just bought the flat. She lived there with one female flatmate. We have all since moved out, due to the stress of living above the club. I am now involved in helping oversee the tenancy of the flat.

When the flat was bought it was above a furniture shop and the neighbouring business (where D'Eclipse now operates) was closed. The new owner had no idea that such a club with such late opening hours would open up underneath the flats just a few months later. Had the owner known that, it would have deterred her from buying the property in the first place. This scepticism has been proven to be with just cause.

Since the club has opened, the road outside the club and the neighbouring residential street Boundary Lane where the entrance to the flats are, have been noisy, drunken and often very intimidating. The two subtenants (both female) living in the property at the time of opening moved out shortly after due to feeling intimidated by the large crowds amassing around the club and in the side street four nights a week. The club's clients often come down Boundary Lane to use their mobiles, chat or queue for the club (they also sometimes come to urinate). The crowds are noisy and when asked to be quieter they are at best unresponsive and at worst threatening. The bedroom in [REDACTED] (and indeed many of the other flats in this block) looks out over the corner where these crowds usually gather.

The club also appears to throw out enormous amounts of rubbish which often overflows near the entrance to the flats. The noise of bottles being thrown into large metal bins creates a loud disturbance during the early hours of the morning. Further, their lack of regard for ensuring their waste is properly managed has attracted rats and foxes which serve to spread the litter further around the entrance of the property and adjacent flats. The entrance of the residential property often looks like a landfill site and smells of urine.

Since the owner left, the property has been rented out to a series of tenants. The first people to occupy the flat, as mentioned, moved out due to the noise and feeling of intimidation. The owner is understandably concerned about tenants not feeling safe in the premises. Sleep was frequently interrupted for us in both bedrooms by the noise of people coming and going (the second bedroom looks out over the flats' entrance and back door to the club - the club's clientele frequently use the fire door until the early hours of the morning). When something as fundamental as getting a good night's sleep is denied you because of the business operating underneath your home, you end up feeling very vulnerable. This is not to mention how vulnerable you feel due to the large numbers of people congregating and behaving anti-socially near the front door when entering or exiting the flat.

Since the granting of the license to this business, the owner's life has been greatly affected. To have to leave the home you own, to have to move out and rent elsewhere because of the noise, disturbance and sense of menace created by others is an extremely upsetting situation to be in.

Lastly, I think it is important you know that the reason I am writing this on behalf of my partner because she's simply too intimidated to report it herself. Other leaseholders in the property have been involved in unpleasant incidents which appear to be related to the owners of the club. One person has been assaulted, another had their front door vandalised. Both incidents are suspiciously linked in timing to the last hearing in which the individuals protested against the licensing of the venue.

I would urge you to ask yourself whether you would be prepared to live above such an environment and plead that you review the licensing of this establishment with your answer in mind.

Many thanks,
Yours Sincerely,

20/05/2010

Your reference: .



Our reference: MD/21/2010

Date: 17th May 2010

The Licensing Unit
The Chaplin Centre
Thurlow Street
London SE17 2DG

Metropolitan Police Service
Licensing Office
Walworth Police Station,
12-28 Manor Place,
LONDON,
SE17 3RL

Tel: 020 -7232 – 6210 Fax6282

Dear Sir/Madam

D'Eclipse 57-59 Camberwell Road SE5 OEZ

Police are in receipt of an application for the review of the premises licence held by the above, under three of the four main licensing objectives, namely Prevention of Crime & Disorder, Public Safety, and Prevention of Public Nuisance. As you are aware the Licensing Act 2003 apportions areas of responsibility and Police are charged with dealing with issues that address the Crime & Disorder licensing objective.

Police have had numerous dealings with the management of the premises and have met with them, along with members of the local community and officers from London Borough of Southwark Licensing to discuss the concerns and hopefully to find a conciliated resolution. These mainly focussed on noise nuisance issues and concerns that the premises were regularly operating other than in accordance with the conditions of the premises licence.

As a result a number of licensing visits have been made to the premises and the following issues identified:

28.11.09 licensing visit made at 23.20hrs and the premises were found to be operating other than in accordance with the premises licence in that there was no Club Scan Condition 345 in operation or existence. Police issued a Closure Notice under Section 19 Criminal Justice & Police Act 2001 which required the premises to cease all licensable activities until such time as the issue was rectified. The management addressed the concerns of Police within the following few days and therefore the need to attend court and apply to the Magistrates Court was negated.

18.04.10 licensing visit made at 02.50am & 03.15am and Police witnessed a large number (approx 30) customers loitering outside the premises and excessive noise which is contrary to condition to 351. Police also found that the premises were not complying with condition with 352 in that there

were no staff positioned in boundary lane to aid in the prevention of customers causing disturbance to local residents.

16.05.10 visit made at 01.30am premises operating in accordance of the premises licence.

Police have checked all relevant recording systems with regard to the premises for the past year as we are aware that all representations have to be relevant, recent and proportionate and as a result have the following comments to make:

The following four (4) recorded crimes can be directly attributed to the premises:

- Cris 3014036/09 on 02.05.09 Threats made to door staff
- Cris 3021066/09 on 27.06.09 Common assault on member of staff
- Cris 3033295/09 on 26.09.09 Theft pickpocket
- Cris 3042171/09 on 22.12.09 Assault Grievous Bodily Harm. Male stabbed in leg whilst queuing to enter premises.
- Cris 3001730/09 on 17.01.09 Wounding with Intent. This crime involves a male being shot in the leg some distance away from the premises, although the victim had been inside the premises. No evidence to link the suspect with the premises.

On occasions the operation of the premises has fallen short of what should be expected of a responsible operator and has caused unnecessary nuisance to residents that reside close to the premises resulting in the submission of this review application.

I respectfully submit this representation in order that it is given consideration by your Licensing Committee and would be obliged if you could acknowledge receipt.

Paul Compton PC294MD

Licensing Officer (Southwark North)

☎ Phone: 0207 232 6210

☎ Mobile: 07595011458

☎ Fax: 0207 232 6282

✉ E-mail: paul.compton@met.police.uk

✉ Mail: Licensing Office, Walworth Police Station,
12/28 Manor Place Walworth London
SE17 3RL

MEMO: Environmental Protection Team

To Regen Licensing **Date** 17 May 2010

Copies File

From Debbie Lawless **Telephone** 020 7525 5759 **Fax** 020 7525 5728

Email debra.lawless@southwark.gov.uk

Subject **D'Eclipse Bar & Restaurant, 57-59 Camberwell Road London SE5**
OEZ License No 831781

I am in receipt of a copy of a request for a review of premises License No 831781, relating to the above premises from Sarah Connelly a resident. The review relates to three of the licensing objectives. The Council's Environmental Protection Team is the 'responsible authority' for Public Nuisance.

In support of the information presented by Sarah Connolly relating to 'public nuisance' the Council's database shows that the following complaints have been received:-

- Statutory Nuisance witnessed 6 July 2009
- Noise Abatement Notice served 6 July 2009
- Contravention of the Noise Abatement Notice 8 August 2009
- Warrant obtained 8 August 2009
- Noise making equipment seized on 15 August 2009
- Complaint Received, No action possible 30/8/2009.
- Complaint received, visit made by noise team, no nuisance witnessed 20/09/2009
- Prosecution, Applicant's found guilty on 3 counts 4/12/2010
- Complaint received, Music stopped when telephoned 2/01/2010
- Complaint received, visit made, no nuisance witnessed 27/2/2010
- Complaint received, visit made, no nuisance witnessed 2/3/2010
- Complaint received, stopped when telephoned 21/3/2010
- Complaint received, visit made, No nuisance witnessed 11/4/2010

In conclusion, the Environmental Protection Team support the grounds for review. I wish the matters set out above to be taken into consideration in respect of prevention of public nuisance objectives.

Debbie Lawless
Enforcement Officer
Environmental Protection Team

Your reference: .



Our reference: MD/2010

Date: 29th April 2010

Dr Taiwo Olayinka Afolabi
D'Eclipse Bar & Restaurant
57-59 Camberwell Road
London
SE5 0EZ

Metropolitan Police Service
Licensing Office
Walworth Police Station,
12-28 Manor Place,
LONDON,
SE17 3RL

Tel: 020 -7232 – 6210 Fax6282

Re; D'Eclipse Bar & Restaurant

Dear Mr Afolabi

On Sunday the 18th April 2010 I visited your premises and identified the following breaches of your Premises Licence.

Condition 351 - Customers will not be allowed to loiter outside of the premises. Customers who are waiting for a taxi will be encouraged to wait in the Lobby Area and customers who are leaving the premises will be told to vacate the area in a quiet and orderly manner. The premises shall operate a Zero tolerance policy in regard to customers causing a disturbance outside of the premises and / or engaging in disorderly, criminal or anti social behaviour.

My observations took place between 02.50 and 03.15. I witnessed a group of approximately 30 Patrons loitering outside the premises making what I would consider as excessive noise. The noise was clearly audible from my location approximately 20 meters away from the premises and could be heard above the traffic noise. Door staff could be seen inside the premises but no effort was made to disperse the crowd.

Condition 352 - That staff will be positioned on Boundary Lane to aid in the prevention of customers causing disturbance to local residents.

No members of staff were seen outside the premises and no one was positioned on Boundary Lane as per the above condition.

Both the above conditions were place on your licence to prevent your customers from causing a nuisance to local resident. On this occasion the staff and management at the premises failed to operate the premises in accordance with the premises licence.

It is vital for well-run premises to adhere to the conditions listed on the Premises Licence and the responsibility lies with the Designated Premises Supervisor and the Premises Licence holder to ensure compliance.

If you require further information then please contact me on the number shown below.

Ian Clements

Licensing Officer Southwark Borough

Phone: 0207 232 6155

Mobile: 07525 410 811

Fax: 0207 232 6282

E-mail: ian.clements@met.police.uk

Mail: Licensing Office, Walworth Police Station,
12/28 Manor Place Walworth London
SE17 3RL

Your reference: .



Our reference: MD/2009

Date: 21st January 2009

Dr Taiwo Afolabi
C/O D'Eclipse
57/59 Camberwell Road
London
SE5 OEZ

Metropolitan Police Service
Licensing Office
Walworth Police Station,
12-28 Manor Place,
LONDON,
SE17 3RL

Tel: 020 -7232 – 6210 Fax6282

Re; D'Eclipse Bar & Restaurant 57/59 Camberwell Road SE5 OEZ

Dear Dr Afolabi

Following a meeting held with management, including Mr Lule, at the above premises on 20th January 2009 where recent incidents at the premises were discussed including the discharge of a firearm in 17th January 2009 and repeated complaints from local residents.

During the meeting it became apparent that a number of staff and in particular the Door Staff, were not aware of the current conditions in respect of operating hours and as a consequence the premises had not been adhering to the following conditions as detailed in the current Premises Licence:

- Opening hours
- Hours permitted for licensable activities
- Not having a working "Clubscan" system.

It is vital for well-run premises to adhere to the conditions listed on the Premises Licence and the responsibility lies with the Designated Premises Supervisor and the Premises Licence holder to ensure compliance. I have appraised you on previous occasions about complaints received from concerned local residents about the operation of the premises therefore in order to alleviate their concerns I would advise strict compliance with the premises licence conditions. If a significant improvement is not seen in the operation of the premises then Police and/or local residents have the option to seek a review of the premises licence.

In the next few weeks' further licensing visits will be made to the premises in order to establish if the issues have been resolved. If the premises were found to be undertaking a licensable activity otherwise than in accordance with the licence, Police have the option to issue a Closure Notice under Section 19 of the Criminal Justice & Police Act 2001. This will result in immediate closure until the issues necessitating the issue of the Closure Notice are resolved.

If you require further information then please contact me at the number shown above.

Paul Compton PC294MD

Licensing Officer (Southwark North)

☎ Phone: 0207 232 6210

☎ Mobile: 07990901483

☎ Fax: 0207 232 6282

✉ E-mail: paul.compton@met.police.uk

✉ Mail: Licensing Office, Walworth Police Station,
12/28 Manor Place Walworth London
SE17 3RL

Your reference: .



Our reference: MD/2009

Date: 21st January 2009

Mr William Olayinka Lule
C/O D'Eclipse
57/59 Camberwell Road
London
SE5 OEZ

Metropolitan Police Service
Licensing Office
Walworth Police Station,
12-28 Manor Place,
LONDON,
SE17 3RL

Tel: 020 -7232 – 6210 Fax6282

Re; D'Eclipse Bar & Restaurant 57/59 Camberwell Road SE5 OEZ

Dear Mr Lule

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 Phone: 0207 232 6210
 Mobile: 07990901483
 Fax: 0207 232 6282
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 Mail: Licensing Office, Walworth Police Station,
12/28 Manor Place Walworth London
SE17 3RL



Mr Opayemi Soile
 D Eclipse Bar & Restaurant
 57-59 Camberwell Road
 London SE5

Licensing Unit
 Direct Dial - 020 7525 5698
 Facsimile - 020 7525 5705

14 April 2010

Dear Sir

**LICENSING ACT 2003
 D'ECLIPSE BAR & RESTAURANT , 57-59 CAMBERWELL ROAD, LONDON SE5**

The Licensing office has been advised that the premises will be operating beyond its terminal hours **Saturday 17 April 2010 till 4am**. It has been informed of the premises still operating beyond its terminal hours on other occasions.

Enclosed is a copy of the poster advertising this event for your attention.
 -<http://declipse.co.uk/main/2010/04/09/moulin-rouge>

May I remind you that the terminal hours licensable activities for your premises are as follows:

Supply of alcohol

**Sunday – Thursday from 10.00- 00.00
 Friday and Saturday from 10.00 – 02.30**

Regulated entertainment - (recorded music, live music, dancing and late refreshment)

**Sunday – Thursday from 10.00- 00.00
 Friday and Saturday from 10.00 – 02.30**

Opening hours of the premises

**Sunday – Thursday from 10.00- 00.30
 Friday and Saturday from 10.00 – 03.00**

This Service warns you that should any further breaches be reported to us or witnessed by ourselves 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 it 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 ordinary members of the public, and will not necessarily make themselves known to the staff or publican at the time of the visit.

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

Yours sincerely

**Dorcas Mills
Principal Licensing Officer
Dorcas.Mills@southwark.gov.uk**

CC: D Eclipse - email



Dr Olayinka Afolabi
 D Eclipse Bar & Restaurant
 57-59 Camberwell Road
 London SE5

Licensing Unit
 Direct Dial - 020 7525 5698
 Facsimile - 020 7525 5705

14 April 2010

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 Friday and Saturday from 10.00 – 03.00**

Licensing Unit - EH & TS, Chaplin Centre, Thurlow Street, London SE17 2DG
 Switchboard - 020 7525 5000 Website - www.southwark.gov.uk
 Strategic Director Environment & Leisure - Gill Davies
 Register to vote. Complete the forms delivered to your home. Information: 020 7525 7373

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Yours sincerely



Dorcas Mills
Principal Licensing Officer
Dorcas.Mills@southwark.gov.uk

CC: D Eclipse - email

BLACKNIGHTS
Multi-Award Winning
Blacknights Ents

KHADJAH BABYX (BLACKNIGHTS)
DAPPERS DON & DESIRABLE DIVA'S

MOULIN ROUGE

Red & Black Affair Pt3

Saturday **17th April 2010** *at* D'Eclipse
57-59 Camberwell Road, London. SE5 0EZ | 10pm - 4am

Also celebrating Babara's Birthday

Categories : [Events](#)

Comments are closed.

-->



Mr William Lule
D'Eclipse Bar & Restaurant
57-59 Camberwell Road
London SE5

Licensing Unit
Direct Dial - 020 7525 5698
Facsimile - 020 7525 5705

09 March 2009

Dear Sir

LICENSING ACT 2003

D'ECLIPSE BAR & RESTAURANT , 57-59 CAMBERWELL ROAD, LONDON SE5

The Licensing office has been advised that the premises was being operated beyond its terminal hours on the morning of Sunday 1 March 2009. It has been noted that the premises was still operating at 02.45 and 04.00.

- The premises was operating beyond its permitted hours of 02.30 for licensable activities to cease and also 03.00 for the business to close.

May I remind you that the terminal hours for your premises are as follows:

Supply of alcohol

Sunday – Thursday from 10.00- 00.00
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Yours sincerely



**Dorcas Mills
Principal Licensing Officer
Dorcas.Mills@southwark.gov.uk**

CC:Dr Olayinka Afolabi



Dr Taiwo Olayinka Afolabi
8 Wessex Walk
Bexley Park
Dartford DA2 7WE

Licensing Unit
Direct Dial - 020 7525 5698
Facsimile - 020 7525 5705

09 March 2009

Dear Sir

**LICENSING ACT 2003
D'ECLIPSE BAR & RESTAURANT , 57-59 CAMBERWELL ROAD, LONDON SE5**

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Yours sincerely



**Dorcas Mills
Principal Licensing Officer
Dorcas.Mills@southwark.gov.uk**

CC: Mr William Lule

Noise Enforcement Officer Observations 18/04/2010
"Declipse Camberwell Road"

02.52hrs Arrived at location firstly checked the rear of premises on Boundary Road, all rear doors were closed and nothing observed/witnessed.

02.54hrs Observed front of premises from the corner of Grosvenor Terrace. Lights on inside front door and 2x male door staff visible inside premises. Doors closed, but opening occasionally so as to let patrons leave and exit the premises.

02.56hrs 9x patrons outside premises as well as people leaving the area completely, leaving 5x patrons outside premises. No music was audible from my location (approx 20 metres from the front doors of the premises) along with some traffic noise.

03.00hrs Approx 20 patrons outside premises (lots of people noise).

03.03hrs Approx 16 patrons remain outside premises smoking with the same level of people noise as before.

03.05hrs Now approx 26 patrons outside premises, no door staff visible outside premises, similar levels of people noise as before. At this time there has been no re-admittance to the premises has been witnessed/ observed.

03.08hrs 1x female wearing a pink Tutu/baby doll dress is permitted to re-enter the premises.

03.10hrs Approx 30 patrons now outside premises with a raised level of people noise witnessed.

03.11hrs 1x male is permitted to re-enter the premises.

03.16hrs 1x male is permitted to re-enter the premises.

03.17hrs Approached by a white male who was parked in a vehicle behind mine on Grosvenor Terrace, this vehicle was already insitu when I arrived. He introduced himself as Police Constable Ian Clements (IC) of the Met Police Licensing Unit, and asked if we were both from Southwark Council. After a brief conversation with IC, it was decide that we would approach the premises and introduce ourselves and ask to speak with the manger. A man then came over and said ha was the manager, IC then asked if there was somewhere quieter we could speak. We then went to the left of the bar area when the manager was asked for some ID. He produced a credit card sized ID card issued by Dartford Borough Council, displaying his photograph and bearing the name "Opeyemi Soile". When IC asked him why people were still inside the premises he replied, they are waiting for taxis. IC then asked why were there large groups of people outside the premises being noisy and none of your door staff outside asking them to move away. The manager replied that he went outside with his staff to move them away.

IC then said that the premises had been observed this morning and none of your staff were outside and that were a number of issues regarding conditions of the license and that the business would be contacted.

We then left the premises at 03.28hrs

Paul Jordan
Senior Officer-Environmental Enforcement



Restaurant & Bar

RECEIVED
16 APR 2010

RECEIVED
16 APR 2010

Dorcas Mills

15/04/2010

EH & TS, Chaplin Centre

Thurlow Street

London

SE17 2DG

Dear Dorcas,

LICENSING ACT 2003

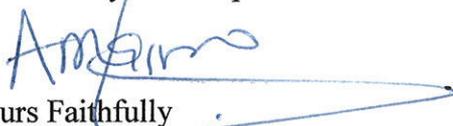
**D'ECLIPSE BAR & RESTAURANT, 57 -59 CAMBERWELL ROAD,
LONDON SE5 0EZ**

Thanks for bringing to our attention the issue of the licensing matter being possibly breached. The event that was advertised for Saturday 17 April 2010 with the 4am closing time was an error with the printers/designers of the flyer.

I must apologise as D'Eclipse is very aware of its licensing time agreement, and we have no intention of breaching it. We operate a strict policy where by we turn the music down by 2.30am and our security team encourage the clubbers to start filtering out, so by 3am – the premises is nearly empty.

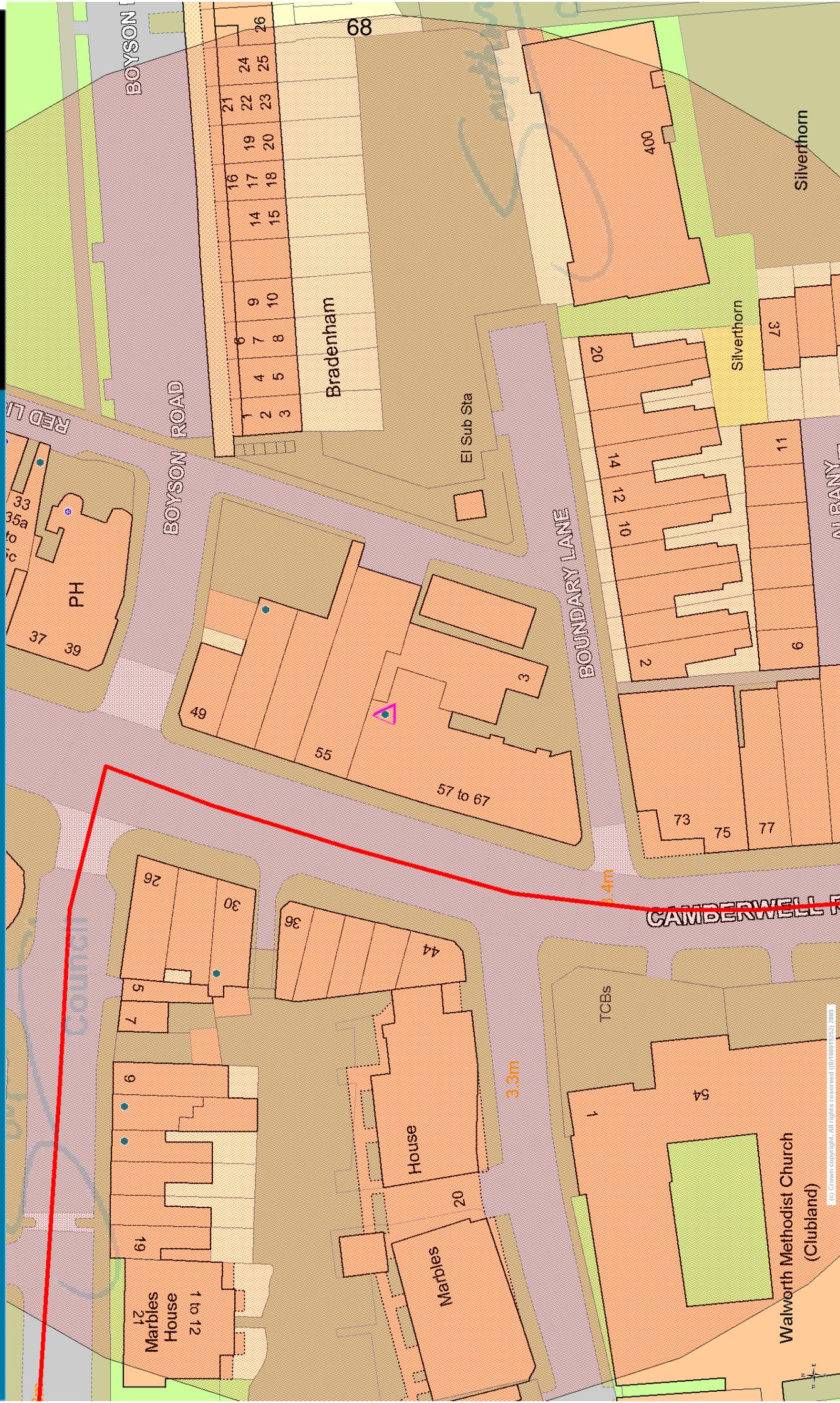
We have also taken the e-flyer off our website to show our concern regarding this matter. And we guarantee the council that we will definitely NOT be breaching the terms of our contract and their officers are welcome to visit the premises.

Thanks for your co-operation


Yours Faithfully

Taiwo Afolabi

D'Eclipse Ltd



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Document is Restricted

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<p>Distribution List</p> <p>Open</p> <p>Licensing Sub-Committee</p>	<p>MUNICIPAL YEAR 2010-11</p> <p>Date of Meeting: Monday 7 June 2010</p> <p>Time: 10.00am</p>
<p>Note: Original held in Constitutional Team; all amendments/queries to Sean Usher, Constitutional Team, Tel: 020-7525-7222.</p>	
<p>Councillors (1 Copy Each)</p>	<p>Applicants and Interested Parties</p>
<p>Councillor David Hubber Councillor Wilma Nelson Councillor Eliza Mann Councillor Ian Wingfield (Reserve)</p> <p>Officers</p> <p>Kate Heap, Legal Services, Tooley Street Sean Usher, Tooley Street (Hub 4) (2 copies) Dorcas Mills, Licensing Unit Debbile Lawless</p> <p>Ward Councillors (Notified by Email)</p> <p>Faraday</p> <p>Press Office – Tooley Street, Hub 4, 2nd Floor</p>	<p>D'Eclipse - Application</p> <p>D'Eclipse. 57-59 Camberwell Road, London SE17 2NF</p> <p>Lisa Inzani, Bevan Kidwell Solicitors, 113 - 117 Farringdon Road, London EC1R 3BX</p> <p>Local Residents/Objectors (x 7)</p> <p>Details on file</p> <p>PC Paul Compton, Southwark Police, Licensing Officer, Walworth Police Station, Manor Place, London SE17</p>
<p>Total Copies to be printed: 27</p> <p><u>PLEASE BRING YOUR PAPERS TO THE MEETING.</u></p>	<p>Total copies to be circulated: 19</p> <p>All spares to be delivered to Sean Usher, Hub 4, 2nd Floor Tooley Street</p> <p>Day of Despatch: 27 May 2010</p>