

# Licensing Sub-Committee (Reconvened From 2 March 2023)

Thursday 11 May 2023

10.00 am

Ground Floor Meeting Room G01B - 160 Tooley Street, London SE1 2QH

## Membership

Councillor Charlie Smith (Chair)  
Councillor Sabina Emmanuel  
Councillor Kath Whittam

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## INFORMATION FOR MEMBERS OF THE PUBLIC

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### Contact

Andrew Weir by email: [andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Althea Loderick**

Chief Executive

Date: 2 May 2023



## Licensing Sub-Committee (Reconvened From 2 March 2023)

Thursday 11 May 2023  
10.00 am

Ground Floor Meeting Room G01B - 160 Tooley Street, London SE1 2QH

### Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
3.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>LICENSING ACT 2003: PECKHAM FOOD AND WINE, 176 PECKHAM HIGH STREET, LONDON SE15 5EG</b>	1 - 78
6.	<b>LICENSING ACT 2003: SOUTHBANK NIGHTCLUB TRADING AS LA ESTACION, 57-59 CAMBERWELL ROAD, LONDON SE5 0EZ</b>	79 - 232

**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**

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.”

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

Date: 2 May 2023

# Agenda Item 5

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> 11 May 2023	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report Title</b>		Licensing Act 2003: Peckham Food and Wine, 176 Peckham High Street, London SE15 5EG	
<b>Ward(s) of group(s) affected</b>		Rye Lane	
<b>From</b>		Strategic Director of Environment, Neighbourhoods and Growth	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by Muhammad Baloch for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Peckham Food and Wine, 176 Peckham High Street, London SE15 5EG.
2. Notes:
  - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from three responsible authorities and is therefore referred to the sub-committee for determination.
  - b) Paragraphs 8 to 17 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix B.
  - c) Paragraphs 18 to 27 of this report deal with the representations submitted in respect of the application. Copies of the representations submitted are attached in Appendix C of this report. A map showing the location of the premises is attached to this report as Appendix E.
  - d) 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 procedure, has been circulated to all parties to the meeting.

## BACKGROUND INFORMATION

### The Licensing Act 2003

3. The Licensing Act 2003 provides a 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
  - 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
  - Relevant representations.
7. The premises licence application 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 under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

## **KEY ISSUES FOR CONSIDERATION**

### **The current premises licence**

8. While this application is for a new premises licence it should be noted that the applicant is currently the premises licence holder of an existing premises licence at this premises.
9. The current premises licence was issued on 17 May 2022 to Muhammad Baloch after being determined by the Licensing Sub-Committee. The decision was to change the start time for the sale of alcohol from 07:00 to 09:00 and impose 8 conditions in addition to the conditions in the application operating schedule.
10. The hours on the current licence are:
  - The sale by retail of alcohol (off the premises):
    - Monday to Sunday: 09:00 to 23:00
  - Opening hours:
    - Monday to Sunday: 07:00 to 23:00.
11. The designated premises supervisor (DPS) is Naseem Baluch.
12. A copy of the current premises licence is attached as Appendix A.

13. A copy of the notice of decision dated 17 May 2022 is attached as Appendix A1.

### **The premises licence application**

14. On 8 December 2022 Muhammad Baloch applied for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Peckham Food and Wine, 176 Peckham High Street, London SE15 5EG. The premises and purpose is described as follows:

- “A convenience store offering range of groceries, goods and off licence 9am to 11am (licence number 876417)”

15. The hours applied for are summarised as follows:

- The sale by retail of alcohol (off the premises):
  - Monday to Sunday: 24 hours
- Opening hours:
  - Monday to Sunday: 24 hours.

16. The premises licence application form provides the applicant’s operating schedule. Parts I, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application.

17. Members are reminded that as this is a new premises licence application that the conditions on the current licence, including the eight conditions imposed at the previous licensing sub-committee meeting on 17 May 2022 will not be automatically replicated on this licence, should the application be granted. Additionally, if this licence should be granted it will not automatically replace the current licence, leaving a situation where there could be two separate licences in existence with the same premises licence holder and DPS but with different operating hours and conditions.

18. A copy of the application is attached to this report in Appendix B.

### **Designated premises supervisor**

19. The proposed designated premises supervisor is Naseem Baluch who holds a personal licence issued by Southwark Council.

### **Representations from responsible authorities**

20. There are three representations received from responsible authorities namely the Metropolitan Police Service, the environmental protection team (EPT) and licensing.

21. The representation submitted by the Metropolitan Police Service was concerned that the application has not addressed the licensing objectives within the operating schedule, in particular the prevention of crime and disorder. Additionally, the

applicant has not made any consideration to the venue being in the Peckham cumulative impact area.

22. The police also contend that the hours requested are excessively outside the guidelines set out in the Southwark statement of licensing policy for the Peckham major town centre area. The police further state that the applicant should be aware of the Southwark statement of licensing policy regarding operating hours and cumulative impact following their previous applications hearing. The police object to the granting of the application.
23. The EPT representation objects to the grant of the application on the grounds of the prevention of public nuisance through cumulative impact and states that any increase in alcohol sales in the already saturated cumulative impact area is likely to contribute to a cumulative impact on public nuisance from street drinking, drunkenness, street fouling, and rowdy conduct in the street.
24. The EPT also state that the application has not addressed the potential cumulative impact in the immediate vicinity of the shop or the creeping additional impact that cannot be attributable to particular premises, once the patrons are out of vicinity of the premises. In addition, the applicant has not given any reason why this premises should be considered an exception to the cumulative impact policy.
25. The representation by licensing as a responsible authority is based on the Southwark statement of licensing policy 2021 – 2026 and relates to the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm.
26. The representation states that the premise is situated within the Peckham major town centre and under the Southwark licensing policy the appropriate closing times for off-licences and alcohol sales in grocers and supermarkets is 00:00 daily. They further state that the proposed hours of 24 hours every day are significantly outside of the recommended hours.
27. Licensing also raise that the premises is within the Peckham cumulative impact area and under the policy there is a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations.
28. The representation states that the applicant has not addressed the presumption to refuse this application within the operating schedule. The current licence is adequate and appropriate for the area and asks that the committee reject the application in full.
29. The representations can be found in Appendix C.
30. The police and the licensing authority have submitted additional evidence relating to visits to the premises on 24 February 2023, 25 February 2023, 26 February 2023 and 9 March 2023 where alleged breaches of the premises licence were witnessed.
31. The additional evidence can be found in Appendix C1.

### **Representations from other persons**

32. There are no representations from other persons.

## **Conciliation**

33. The representations were provided to the applicant, who was advised that the applicant could provide a reply to the representations if the applicant so wished.
34. At the time of the writing of this report all of the representations remain outstanding and so must be considered by the licensing sub-committee in their determination of the application.
35. At the hearing to determine this application the licensing sub-committee will be apprised as to any further conciliation that may have taken place.

## **Premises licensing history**

36. On 6 August 2006 a premises licence was issued in respect of the premises to Muhammed Islam and Saima Shahzadi. The premises licence allowed for the sale of alcohol 24 hours a day and 24 hours a day opening hours.
37. On 15 June 2009 the licence was transferred to Kiran Israr. Kiran Israr was also specified as the designated premises supervisor on this date.
38. On 19 June 2017, an application was submitted by this council's trading standards service under Section 51 of the Licensing Act 2003, for the review of the premises licence held by Kiran Israr in respect of the premises known as Peckham Food and Wine, 176 Peckham High Street, London SE15 5EG.
39. On 27 June 2017 an application, to have immediate effect, was submitted to specify Aamir Ali as the DPS of the premises. The application was granted and issued on 27 June 2017. The licensee remained Kiran Israr.
40. A licensing sub-committee hearing to determine the review application submitted in respect of the premises on 19 June 2017 took place on 15 September 2017. At the hearing the licensing sub-committee decided to revoke the premises licence issued in respect of the premises.
41. On 4 September 2018 High Street Food Store Limited applied for a premises licence to allow the off-sales of alcohol at the premises between 09:00 and 23:00 daily. By 2 October 2018 representations had been received by this council's licensing responsible authority, this council's trading standards service and by the Metropolitan Police Service. The application was withdrawn on 3 October 2018. High Street Food Store Limited is now dissolved. Companies House records show that the director of High Street Food Store Limited was a Mr Ali Yasir.
42. On 25 April 2021 Mr. Abdul Aziz Umer applied to this council for the grant of a new premises licence in respect of Peckham Food and Wine, 176 Peckham High Street, Peckham, London SE15 5EG. Representations were received from the police, trading standards, environmental protection team and licensing responsible authorities. The application was refused as the applicant did not satisfactorily address cumulative impact.



43. On 20 December 2021 Muhammad Baloch applied for the grant of a new premises licence in respect of Peckham Food and Wine. Representations were received from the police, trading standards, environmental protection team and licensing responsible authorities.
44. The licensing sub-committee determined the application on 17 May 2022 and granted the application with an amendment to change the start time for the sale of alcohol from 07:00 to 09:00 and imposed eight conditions in addition to the conditions in the application operating schedule. This is the current premises licence.

### Temporary event notices

45. The applicant submitted four temporary event notices (TEN) each for multiple dates, two of which were rejected as they did not meet the statutory criteria by either exceeding the number of days on one TEN or failed to leave 24 hours between TENS.
46. The TENS not rejected allowed the premises, in conjunction with the current premises licence, to be open and sell alcohol as follows:
- From 23:00 hours on 23 December 2022 to 23:00 hours on 25 December 2022
  - From 23:00 hours on 27 December 2022 to 23:00 on 2 January 2023.
47. A list of TENS is provided in Appendix D.

### Map

48. A map showing the location of the premises is attached to this report as Appendix E. The following are a list of similar licensed premises in the vicinity of the application:

#### **Binder Off Licence, 149 Peckham High Street, London SE15 5SL, licensed for:**

- Sale by retail of alcohol to be consumed off the premises:
  - Monday to Sunday: 10:00 to 00:00
- Opening hours:
  - Monday to Sunday: 24 hours

#### **Peckham News, 133 Peckham High Street, London SE15 5SL, licensed for:**

- Sale by retail of alcohol to be consumed off the premises:
  - Monday to Sunday: 09:00 to 23:00
- Opening hours:
  - Monday to Sunday: 06:00 to 23:00

**Yesil Irmak, 107 Peckham High Street London SE15 5RS**, licensed for:

- Sale by retail of alcohol to be consumed off the premises:
  - Monday to Sunday: 09:00 to 23:00
- Opening hours:
  - Monday to Sunday: 06:00 to 23:00.

### **Southwark Council statement of licensing policy**

49. Council assembly approved Southwark's statement of licensing policy 2021-2026 on 25 November 2020 and it came into effect on 1 January 2021.
50. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
  - Section 3 – Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications.
  - Section 5 – Determining applications for premises licenses and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
  - Section 6 – Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
  - Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification.
  - Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
  - Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective.
  - Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
  - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.

51. 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.
52. Members should take into consideration both the Southwark statement of licensing policy and the Section 182 Guidance when making decisions. Links are below.

Southwark policy:

<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

Section 182 Guidance:

[Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/revised-guidance-issued-under-section-182-of-licensing-act-2003)

### **Cumulative Impact Area (CIA)**

53. The premises are situated in the Peckham cumulative impact area which applies to the following types of premises:
- Night clubs, public houses and bars, off-licences, supermarkets, grocers, convenience stores and similar premises
54. The premises are situated in the Peckham major town centre, according to the council's statement of licensing policy.
55. Under the Southwark statement of licensing policy 2021 - 2026 the following closing times are recommended as appropriate within this area for premises operating as:
- Off-licences and alcohol sales in grocers and supermarkets:
    - Daily: 00:00.

### **Climate change implications**

56. Following council assembly on 14 July 2021, the council is committed to considering the climate change implications of any decisions.
57. Climate change is not a legal factor in the consideration of a grant of a premises license under the current licensing objectives, however members can make enquiries and request an agreement from applicants to promote the reduction of the impact of climate change that may be caused by the operation of the premises.
58. Examples of such an agreement may be:
- Not to use single use plastics, such as disposable plastic glasses, when selling alcohol at the premises.

- Encourage patrons not to drive to venues by providing details of public transport on their webpages/tickets.

59. The council's climate change strategy is available at:

<https://www.southwark.gov.uk/assets/attach/48607/Climate-Change-Strategy-July-2021-.pdf>

## **Community, equalities (including socio-economic) and health impacts**

### **Community impact statement**

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

### **Equalities (including socio-economic) impact statement**

61. This report does not result in a policy decision and each application is required to be considered upon its own individual merits with all relevant matters taken into account. In considering the recommendations of this report, due regard must be given to the public sector equality duty set out in section 149 of the Equality Act 2010. This requires the council to consider all individuals when carrying out its functions.

62. Importantly, the council must have due regard to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct; advance equality of opportunity and foster good relations between people who have protected characteristics and those who do not. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The public sector equality duty also applies to marriage and civil partnership, but only in relation to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct.

63. The equalities impact statement for licensing decisions is contained within the Southwark statement of licensing Policy 2021 – 2026 at:

<https://www.southwark.gov.uk/business/licences/business-premises/licensing/licensing-and-gambling-act-policy>.

64. The equalities impact assessment is available at:

<https://moderngov.southwark.gov.uk/documents/s92016/Appendix%20F%20-%20Equalities%20Impact%20Assessment.pdf>

### **Health impact statement**

65. Health impacts cannot be considered by law when making decisions under the Licensing Act 2003.

### **Resource implications**

66. A fee of £190.00 has been paid by the applicant in respect of this application being the statutory fee payable for premises within non-domestic rateable value B.

## **Consultation**

67. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was published in a local newspaper and similar notices were exhibited outside of the premises for a period of 28 consecutive days.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Assistant Chief Executive - Governance and Assurance**

68. The sub-committee is asked to determine the application for a premises licence under Section 17 of the Licensing Act 2003.
69. The principles which sub-committee members must apply are set out below.

### **Principles for making the determination**

70. The sub-committee is asked to determine the application for a premises licence under Section 17 of the Licensing Act 2003.
71. The principles which sub-committee members must apply are set out below.
72. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
73. Relevant representations are those which:
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
  - Are made by an interested party or responsible authority
  - Have not been withdrawn
  - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
74. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- To grant the licence subject to:
    - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
    - Any condition which must under section 19, 20 or 21 be included in the licence.
  - To exclude from the scope of the licence any of the licensable activities to which the application relates.
  - To refuse to specify a person in the licence as the premises supervisor.
  - To reject the application.

## Conditions

75. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
76. The four licensing objectives are:
- The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance
  - The protection of children from harm.
77. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
78. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
79. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

## Reasons

80. If the sub-committee determines that it is necessary to modify the conditions, or to refuse the application for a premises licence application, it must give reasons for its decision.

## Hearing procedures

81. 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.

82. This matter relates to the determination of an application for a premises licence under Section 17 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**

83. 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.
84. 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.
85. 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.
86. 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.

87. 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.
88. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
89. 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.
90. Other persons, 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**

91. Members are required to have regard to the Home Office 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.

### **Strategic Director of Finance and Governance**

92. The head of regulatory services has confirmed that the costs of this process over and above the application fee are borne by the service.

### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Licensing Act 2003	Southwark Licensing, C/O	Mrs Kirty Read Tel: 020 7525 5748
Home Office Revised Guidance to the Act	Community Safety and Enforcement, 160 Tooley Street, London SE1 2QH	
Secondary Regulations		
Southwark statement of licensing policy		
Case file		



## APPENDICES

Name	Title
Appendix A	Current premises licence
Appendix A1	Notice of decision from 17 May 2022
Appendix B	Application for a premises licence
Appendix C	Representation from responsible authorities
Appendix C1	Additional evidence from responsible authorities
Appendix D	List of temporary event notices
Appendix E	Map of the locality

## AUDIT TRAIL

<b>Lead Officer</b>	Caroline Bruce, Strategic Director of Environment, Neighbourhoods and Growth	
<b>Report Author</b>	David Franklin, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	24 April 2023	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Assistant Chief Executive - Governance and Assurance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		25 April 2023

# Licensing Act 2003 Premises Licence



Regulatory Services  
Licensing Unit  
Hub 1, 3rd Floor  
PO Box 64529  
London. SE1P 5LX

Premises licence number

876417

## Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Peckham Food and Wine 176 Peckham High Street London SE15 5EG	
Ordnance survey map reference (if applicable), 534464176745	
<b>Post town</b> London	<b>Post code</b> SE15 5EG
<b>Telephone number</b> [REDACTED]	

**Where the licence is time limited the dates**

**Licensable activities authorised by the licence**

Sale by retail of alcohol to be consumed off premises

**The opening hours of the premises**

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

Monday	07:00 - 23:00
Tuesday	07:00 - 23:00
Wednesday	07:00 - 23:00
Thursday	07:00 - 23:00
Friday	07:00 - 23:00
Saturday	07:00 - 23:00
Sunday	07:00 - 23:00

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

Sale by retail of alcohol to be consumed off 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

**Sale by retail of alcohol to be consumed off premises**

Monday	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 23:00
Friday	09:00 - 23:00
Saturday	09:00 - 23:00
Sunday	09:00 - 23:00

**Part 2**

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

Muhammad Baloch

[REDACTED],

London,

[REDACTED]

**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**

Naseem Baluch

[REDACTED]

London,

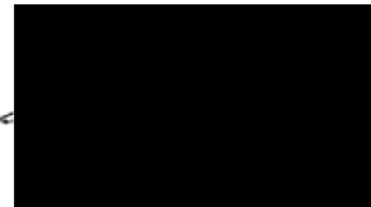
[REDACTED]

**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. 874699

Authority L.B Southwark

Licence Issue date 17/05/2022



Head of Regulatory Services  
Hub 1, 3rd Floor  
PO Box 64529  
London, SE1P 5LX  
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.

**485** (1) The responsible person must 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 –

(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 in a manner which carries a significant risk of undermining a licensing objective;

(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 in a manner carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional poster 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; and

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

**487** The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

**488** (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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 either

- (a) a holographic mark; or
- (b) an ultraviolet feature.

**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;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available,

**491** 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purpose of the condition set out in paragraph (1):

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula

$$P = D + (D \times V),$$

where-

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –
- (i) the holder of the premises licence:
  - (ii) the designated premises supervisor (if any) in respect of such a licence; or

- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax;

(2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 - Conditions consistent with the operating Schedule**

**340** A CCTV recording system shall be installed that is compliant with, and capable of, capturing an image of evidential standards. The system shall continually record whilst the venue is open for licensable activity and/or when customers are present on the premises. All CCTV recordings shall be time- & date-stamped and maintained for a minimum of thirty-one (31) days. Cameras shall be installed so as to cover both internal and external areas of the premises. At least one camera shall cover ingress/egress points.

**341** Staff shall be fully trained in the operation of the CCTV system and there shall be at least one member of staff on duty during trading hours who is able to provide copies of CCTV recordings to the Police and authorised officers of the Local Authority. Such copies shall, in any event, be provided within forty-eight (48) hours.

**342** The “Challenge 25”/“Think 25” proof of age scheme shall be operated at the premises. All customers who appear under the age of 25 will be challenged to prove that they are over 18 when attempting to purchase alcohol. Acceptable forms of ID include a photo driving licence, passport, or home office approved identity card bearing the holographic ‘PASS’ mark. If the person seeking alcohol is unable to produce an acceptable form of identification, no sale or supply of alcohol shall be made to or for that person.

**343** All relevant staff shall be trained in the law about the sale of alcohol. Such training will include challenging every individual who appears to be under 25 years of age and refusing service where individuals cannot produce acceptable means of identification, acceptable forms of ID, and using the refusal register. Such training (including any refresher training) will be logged and ongoing.

**344** The premises licence holder shall ensure that notices shall be displayed in the premises, advising;

- CCTV is in operation
- a ‘Challenge 25’ scheme operates in the premises
- ‘No proof of age – no Sale’
- Patrons should respect the needs of local residents and leave the area quietly

**345** A refusals log must be kept at the premises, and made immediately available on request to the police or an authorised person. The refusals log is to be inspected on a monthly basis by the DPS and noted in the log and a record made in the log of any actions that appear to be needed to protect young people from harm. The log must record all refused sales of alcohol and include the following:

- a) the identity of the member of staff who refused the sale;
- b) the date and time of the refusal;
- c) the alcohol requested and reason for refusal;
- d) description of the person refused alcohol



**346** Alcohol shall only be purchased for sale within the premises from reputable sources and not from door-to-door sellers. The premises licence holder shall ensure all receipts for goods brought include the following details:

- i. Seller's name and address
- ii. Seller's company details, if applicable
- iii. Seller's VAT details, if applicable

Such receipts are to be made available to officers of the local authority or police service upon reasonable request.

**347** The area immediately outside the premises shall be monitored to ensure that any litter generated by the premises and/or its customers is regularly cleared.

**348** Alcohol shall not be sold in an open container or consumed on the premises.

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

**840** That no alcohol will be stored or displayed within 2-metres of the entrance/exit unless behind the staff counter.

**841** That no beers / ciders in single cans, bottles or multi-packs with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises.

**842** That when the premises are open to the public and the licence is not in operation, all alcohol shall be stored in a locked cabinet/cooler, behind a lockable blind or behind the counter.

**843** That all previous management involved in the premises are excluded from the premises and take no part in the operation of the premises namely: Asif Ali, Kiran Israr, Saeeda Yasmeen and Shazia Imran Islam and Mohammad Islam

**844** That alcohol is displayed as set out in the plan submitted with the application.

**845** That an electronic point of sale system (EPOS or POS) is installed and operated at the premises.

**846** A written dispersal policy is kept at the premises with the licence and made available for inspection by authorised council officers or the police. All relevant staff shall be trained in the implementation of the dispersal policy.

**Annex 4 - Plans - Attached**

Licence No. 876417

Plan No. N/A

Plan Date N/A



## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 17 MAY 2022

#### S.17 LICENSING ACT 2003: PECKHAM FOOD AND WINE, 176 PECKHAM HIGH STREET, PECKHAM, LONDON SE15 5EG

#### 1. Decision

That the application made by Mr. Muhammad Baloch for a premises licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as of Peckham Food and Wine, 176 Peckham High Street, Peckham, London SE15 5EG and subject to the appointment of a designated premises supervisor is granted.

#### 2. Hours

The sale of alcohol to be consumed off the premises	Monday to Sunday 09:00 hours to 23:00 hours
Opening hours of the premises	Monday to Sunday: 07:00 hours to 23:00 hours.

#### 3. Conditions

1. That no alcohol will be stored or displayed within 2-metres of the entrance/exit unless behind the staff counter.
2. That no beers / ciders in single cans, bottles or multi-packs with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises.
3. That when the premises are open to the public and the licence is not in operation, all alcohol shall be stored in a locked cabinet/cooler, behind a lockable blind or behind the counter.
4. That all previous management involved in the premises are excluded from the premises and take no part in the operation of the premises



namely: [REDACTED]

5. That alcohol is displayed as set out in the plan submitted with the application.
6. That an electronic point of sale system (EPOS or POS) is installed and operated at the premises.
7. A written dispersal policy is kept at the premises with the licence and made available for inspection by authorised council officers or the police. All relevant staff shall be trained in the implementation of the dispersal policy.

#### 4. Reasons

This was an application made by Mr. Muhammad Baloch for a premises licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as of Peckham Food and Wine, 176 Peckham High Street, Peckham, London SE15 5EG.

The licensing sub-committee heard from the applicant's representative who advised that the premises was a convenience store offering a range of groceries and goods in addition to the sale of alcohol. Concerning the responsible authorities referring to the premises being located in a cumulative impact area (CIA), the applicant's representative stated that they were not specifically referred to in the Licensing Act 2003. There were public houses on each side of the Peckham Food and Wine premises and any cumulative impact would be at 23:00 hours when the pubs were closing. Peckham Food and Wine would have a steady egress of customers therefore, no cumulative impact would occur. There had also been a previous premises licence, so the argument that a "new licence" was largely irrelevant. Furthermore, the CIA presumption did not relieve the responsible authorities in providing evidence as to how the cumulative impact would be affected by the operation of a new premises. None of the responsible authorities had provided direct evidence to demonstrate their cause of concern. Concerning the issues relating to the proposed DPS raised by trading standards, the applicant had withdrawn this aspect of the application and until a new DPS had been identified by him, he would act as the DPS. Obviously, until the applicant had obtained his personal licence, the premises could not sell alcohol.

The licensing sub-committee heard from the officer from trading standards whose representations were submitted with regard to all four of the licensing objectives.



The officer accepted that the applicant was not connected to the previous owners when the licence had been revoked. The concerns raised by Trading Standards were relevant because the area was particularly challenging. In addition, the proposed DPS (withdrawn by the applicant) had previously been refused an application in 2021. It was the officer's view that this questioned the applicant's abilities of due diligence.

The Metropolitan Police Service informed the sub-committee that the premises had previously been subject to a trading standards premises licence review in 2017, when the premises licence was revoked, and that an appeal against the licence revocation was rejected by the Magistrates' Court. The officer also stated that the premises were located in the Peckham CIA and that the locale has a large problem with street drinking, alcohol abuse and associated crime and disorder; the applicant had failed to address cumulative impact at all in the application.

The environmental protection team confirmed that their representation related to the prevention of public nuisance licensing objective. The premises were located in a cumulative impact area and any increase in alcohol sales in the already saturated CIA was likely to contribute to the negative cumulative impact on public nuisance caused by street drinking, drunkenness, street fouling, and rowdy conduct in the street. Further, the environmental protection team stated that the applicant had failed to address cumulative impact within the body of its application, or at all.

The licensing sub-committee heard from the officer representing licensing as a responsible authority submitted a representation with regard to all four licensing objectives. The licensing responsible authority notes that the premises are located in a cumulative impact area. Licensing as a responsible authority contends that the applicant has failed to address both cumulative impact, and the presumption to refuse applications that are subject to a cumulative impact policy. The premises were subject to a premises licence review submitted by this council's trading standards service in 2017, when the premises licence was revoked, and that an appeal against the revocation was rejected by the Magistrates' Court. An application for a premises licence submitted in 2021 was refused by the licensing sub-committee and the officer was of the view that the previous licensee or DPS may still have an interest in the business. Licensing as a responsible authority recommends that the application is refused unless the applicant can demonstrate that the proposed operation of the premises will not contribute to crime and disorder and public nuisance within the Peckham cumulative impact area.



The licensing sub-committee considered all of the representations made by the applicant and the responsible authorities carefully. The applicant's points concerning cumulative impact, that the responsible authorities had not provided any direct evidence concerning this was not accepted. Southwark's statement of licensing policy was reviewed and subsequently ratified by Council Assembly 25 November 2020. As part of the that review there was a partnership analysis of alcohol related violence as part of the consideration of cumulative impact on licensed premises within Borough & Bankside; Camberwell and Peckham (in addition to areas under monitor) CIA. A partnership analysis was currently being carried out and due to be considered by the full Licensing Committee in late 2022. The sub-committee also took into account Westminster City Council v Middlesex Crown Court [2002] EWHC 1104 which confirmed that a premises licence could be refused on the sole ground that the area was already saturated with licensed premises.

The initial concerns of previous names held by the applicant were explained and the sub-committee were satisfied with the responses they received. The sub-committee concluded that the 2017 issues with the operation of the premises could be satisfactorily resolved with the exclusion of previous management for the operation of the premises, in addition to the conditions referred in this decision.

## **5. Appeal Rights**

The applicant may appeal against any decision:

- a. To impose conditions on the licence
- b. To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a. The licence ought not to be been granted; or
- b. That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of



21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against

Issued by the Constitutional Team on behalf of the Director of Law and Governance.

Date 17 May 2022



08/12/2022

Business - Application for a premises licence to be granted under the Licensing Act 2003

Ref No. 1937214

## Name of Applicant

Please enter the name(s) who is applying for a premises licence under section 17 of the Licensing Act 2003 and am making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

	Muhammad baloch
--	-----------------

## Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - o any entertainment taking place on the hospital premises of the health care provider where the

entertainment is provided by or on behalf of the health care provider;

o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and

o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).

4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

5. For example (but not exclusively), where the activity will occur on additional days during the summer months.

6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.

8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

10. Please list here steps you will take to promote all four licensing objectives together.

11. The application form must be signed.

12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.

14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications

from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A current Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A current Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, less than 6 months old, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a

European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.

- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
  
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
  - o evidence of the applicant's own identity – such as a passport,
  
  - o evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  
  - o evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
  
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
  
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
  
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
  
- (ii) any page containing the holder's photograph;
  
- (iii) any page containing the holder's signature;

(iv) any page containing the date of expiry; and

(v) any page containing information indicating the holder has permission to enter or remain in

the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

#### Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

#### Premises Details

#### Application for a premises licence to be granted under the Licensing Act 2003

Non-domestic rateable value of premises in order to see your rateable value [click here](#) (opens in new window)

£	19250
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises
	No

#### Premises trading name

	Peckham food and wine
--	-----------------------

Postal address of premises or, if none, ordnance survey map reference or description

Do you have a Southwark postcode?	Yes
Address Line 1	176 PECKHAM HIGH STREET
Address Line 2	
Town	LONDON
Post code	SE15 5EG
Ordnance survey map reference	
Description of the location	
Telephone number	██████████

Applicant Details

Please select whether you are applying for a premises licence as

	An individual or individuals
--	------------------------------

If you are applying as an individual or non-individual please select one of the following:-

	I am carrying on or proposing to carry on a business which involves the use of the  premises for licensable activities
--	---

Details of Individual Applicant

Personal Details

Title	Mr
If other, please specify	
Surname	Baloch
Forenames	Muhammad
Date of birth	██████████
I am 18 years old or over	Yes
Nationality	██████

Current Address

Street number or Building name	█
Street Description	██████████
Town	London

County	
Post code	████████

Contact Details

Daytime contact telephone number	████████████████████
Email Address	██

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see guidance below)

Please enter	
--------------	--

Note 15: Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who: does not have the right to live and work in the UK; or is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity. Any licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

They do this in one of two ways: by providing with this application, copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance. by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below). Home Office online right to work checking service.

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Do you wish to add a second individual applicant?

	No
--	----

Operating Schedule



When do you want the premises licence to start?

	10/01/2023
--	------------

If you wish the licence to be valid only for a limited period, when do you want it to end?

--	--

General description of premises ( see guidance note 1 )

	A convenience store offering range of groceries, goods and offlicence 9am to 11am (licence number 876417)
--	---

If 5,000 or more people are expected to attend the premises at any one time please use the drop down below to select the number.

	Less than 5000
--	----------------

Note 1

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.

Operating Schedule part 2

What licensable activities do you intend to carry on from the premises?

	(Please see sections 1 and 14 of the Licensing Act 2003 and schedule 1 and 2 of the Licensing Act 2003)
--	---

Provision of regulated entertainment (Please read guidance note 2)


Provision of late night refreshment

--	--

Supply of alcohol

	j) Supply of alcohol
--	----------------------

In all cases please complete boxes K, L and M.

J - Supply of Alcohol

Will the supply of alcohol be for consumption ( Please read guidance note 8)

	Off the premises
--	------------------

Standard days and timings for Supply of alcohol ( Please read guidance note 7)

Day	Start	Finish
Mon	00:00	00:00
Tues	00:00	00:00
Wed	00:00	00:00
Thur	00:00	00:00
Fri	00:00	00:00
Sat	00:00	00:00
Sun	00:00	00:00

State any seasonal variations for the supply of alcohol ( Please read guidance 5)

--	--

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed. Please list, ( Please read guidance note 6 )

--	--

Please download and then upload the consent form completed by the designated proposed premises supervisor

--	--

5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you

--	--

5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

Premises Supervisor

State the name and details of the individual whom you wish to specify on the licence as the designated premises supervisor (Please see declaration about the entitlement to work in the check list at the end of the form)

Full name of proposed designated premises supervisor

First names	Naseem
Surname	Baluch

DOB

Date Of Birth	
---------------	--

Address of proposed designated premises supervisor

Street number or Building name	
Street Description	
Town	London
County	
Post code	

Personal licence number of proposed designated premises supervisor, if any,

Personal licence number ( if known )	
Issuing authority ( if known )	Southwark council

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children ( Please read guidance note 9)

	There is no activity of this nature.
--	--------------------------------------

9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

L - Hours premises are open to public

5. For example (but not exclusively), where the activity will occur on additional days during the summer months.

6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Hours premises are open to the public ( standard timings Please read guidance note 7 )

Day	Start	Finish
Mon	09:00	23:00
	23:00	09:00
Tues	09:00	23:00
	23:00	09:00
Wed	09:00	23:00
	23:00	09:00
Thur	09:00	23:00
	23:00	09:00
Fri	09:00	23:00
	23:00	09:00
Sat	09:00	23:00
	23:00	09:00
Sun	09:00	23:00
	23:00	09:00

State any seasonal variations ( Please read guidance note 5 )

--	--

Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed. Please list, ( Please read guidance note 6 )

	Monday to Friday Standard timing 09:00am to 23pm( licence number 876417) Intend to open 23am till 09:00am 24 hours in total Monday to Friday
--	---

M - Steps to promote four licencing objectives

a) General - all four licensing objectives (b,c,d,e) ( Please read guidance note 10 )

	<p><b>PROPOSED SCHEDULE OF CONDITIONS</b></p> <p>The premises licence holder is a responsible operator who is aware of the 4 Licensing objectives, the Council's licensing policy and their responsibilities under the Licensing Act 2003. The business is run lawfully and in accordance with good business practice and offers the following conditions to be attached to the premises licence.</p> <p>All health &amp; safety, fire and other legal commitments will be complied with under the relevant legislation.</p> <ol style="list-style-type: none"> <li>1. A CCTV recording system shall be installed that is compliant with, and capable of, capturing an image of evidential standards. The system shall continually record whilst minimum of thirty-one (31) days. Cameras shall be installed so as to cover both internal and external areas of the premises. At least one camera shall cover ingress/egress points.</li> <li>2. Staff shall be fully trained in the operation of the CCTV system and there shall be at least one member of staff on duty during trading hours who is able to provide copies of CCTV recordings to the Police and authorised officers of the Local Authority. Such copies shall, in any event, be provided within forty-eight (48) hours.</li> <li>3. The "Challenge 25™"/"Think 25" proof of age scheme shall be operated at the premises. All customers who appear under the age of 25 will be challenged to prove that they are over 18 when attempting to purchase alcohol. Acceptable forms of ID acceptable form of identification, no sale or supply of alcohol shall be made to or for that person.</li> <li>4. All relevant staff shall be trained in the law about the sale of alcohol. Such training will include challenging every individual who appears to be under 25 years of age and refusing service where individuals cannot produce acceptable means of identification, acceptable forms of ID, and using the refusal register. Such training (including any refresher training) will be logged and ongoing.</li> <li>5. The premises licence holder shall ensure that notices shall be displayed in the premises, advising;             <ul style="list-style-type: none"> <li>* CCTV is in operation</li> <li>* a 'Challenge 25' scheme operates in the premises</li> <li>* 'No proof of age - no Sale'</li> <li>* Patrons should respect the needs of local residents and leave the area quietly</li> </ul> </li> <li>6. A refusals log must be kept at the premises, and made immediately available on request to the police or an authorised person. The refusals log is to be inspected on a monthly basis by the DPS and noted in the log and a record made in the log of any actions that appear to be needed to protect young people from harm. The log must record all refused sales of alcohol and include the following:             <ol style="list-style-type: none"> <li>a) the identity of the member of staff who refused the sale;</li> <li>b) the date and time of the refusal;</li> <li>c) the alcohol requested and reason for refusal;</li> <li>d) description of the person refused</li> </ol> </li> <li>7. Alcohol shall only be purchased for sale within the premises from reputable sources and not from door-to-door sellers. The premises licence holder shall ensure all receipts for goods brought include the following details:             <ul style="list-style-type: none"> <li>Seller's name and address</li> <li>Seller's company details, if applicable</li> <li>Seller's VAT details, if applicable</li> </ul> <p>Such receipts are to be made available to officers of the local authority or police service upon reasonable request.</p> </li> <li>8. The area immediately outside the premises shall be monitored to ensure that any litter generated by the premises and/or its customers is regularly cleared.</li> <li>9. Alcohol shall not be sold in an open container or consumed on the premises.</li> </ol>
--	--

b) the prevention of crime and disorder

	Please see box a bove
--	-----------------------

c) public safety

	Please see box a bove
--	-----------------------

d) the prevention of public nuisance

	Please see box a bove
--	-----------------------

e) the protection of children from harm

	Please see box a bove
--	-----------------------

Guidance note 10

Please list here steps you will take to promote all four licensing objectives together.

Please upload a plan of the premises

	
--	---

Please upload any additional information i.e. risk assessments

--	--

Checklist

	I have enclosed the plan of the premises. I understand that if I do not comply with the above requirements my application  will be rejected. I understand that I must now advertise my application (In the local paper within 14 days of applying
--	--

Home Office Declaration

Please tick to indicate agreement

	I am not a company or limited liability partnership
--	---

Proof of Entitlement to work in the UK

Please upload your proof of entitlement to work in the UK or share code issued by the Home Office online right to work checking service. (Please see guidance below)

--	--

Note 15: Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who: does not have the right to live and work in the UK; or is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity. Any licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

They do this in one of two ways: by providing with this application, copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance. by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below). Home Office online right to work checking service.

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Declaration

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership]

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK.

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work.

I/We hereby declare the information provided is true and accurate.

I agree to the above statement

	Yes
PaymentDescription	
PaymentAmountInM	

inorUnits	
AuthCode	██████
LicenceReference	██████████
PaymentContactEmail	████████████████████

Please provide name of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). If completing on behalf of the applicant, please state in what capacity.

Full name	Muhammad baloch
Date (DD/MM/YYYY)	08/12/2022
Capacity	In personal

Where the premises licence is jointly held, enter the 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (guidance note 13). If completing on behalf of the applicant state in what capacity

Full name	
Date (DD/MM/YYYY)	08/12/2022
Capacity	

Contact name (where not previously given) an address for correspondence associated with this application (please read guidance note 14)

Contact name and address for correspondence	Muhammad baloch Naseem baluch 176 peckham food and wine SE15 5EG
Telephone No.	██████████
If you prefer us to correspond with you by e-mail, your email address (optional)	████████████████████

#### GUIDANCE NOTES

12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.

14. This is the address which we shall use to correspond with you about this application.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO



SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Once you complete form you will be redirected to payments and won't be able to return back.

The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.



The Licensing Unit  
Floor 3  
160 Tooley Street  
London  
SE1 2QH

**Metropolitan Police Service**  
**Licensing Office**  
Southwark Police Station,  
323 Borough High Street,  
LONDON,  
SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

**Our reference:** MD/21/294

**Date:** 29/12/2022

Dear Sir/Madam

**Re:Peckham Food and Wine 176 Peckham High Street SE15 5EG**

Police are in possession of an application from the above for a New Premises Licence for the supply of alcohol off sales. The operating schedule describes it as a convenience store and off licence. The Hours requested are shown on the application as follows

Hours premises open to the public  
Mon-Sun 0900hrs to 2300hrs  
2300hrs to 0900hrs

Supply of alcohol off sales  
Mon-Sun 0000hrs to 0000hrs

The hours are excessively outside the hours recommended within the Southwark Statement of licensing Policy and it is noted the venue is situated within The Peckham Cumulative Impact Area as designated by Southwark Council. The High Court approval of Cumulative impact policies came in Westminster City Council v Middlesex Crown Court. In brief, it stated 'A licence could be refused on the sole ground that the area was already saturated with licensed premises'

The applicant has provided minimal conditions to address all the licensing objectives and this causes Police concerns as the application is to operate a 24hr off licence. There has been no attempt to address the issues that are associated with such venues and there is no consideration to the venue being in the Cumulative Impact Area.

The venue was granted its current licence for the supply of alcohol in May 2022 and this was for 2300hrs. Police believe there has been an insufficient amount of operating time to consider again increasing the operating hours. The applicant

should be aware of the Southwark Statement of licensing policy in regards to operating hours and cumulative impact following their previous applications hearing.

The Home office guidance issued under Sec 182 of the licensing Act 2003 'General principles' state that it is important in setting the parameters within which the premises may operate. Conditions must be precise and enforceable.

The metropolitan police object to the granting of the Premises Licence in its current format as the venue is situated in the Peckham Cumulative Impact Area and the applicant has not addressed the licensing objectives sufficiently in particular the Prevention of Crime and Disorder.

Submitted for your consideration.  
Yours Sincerely

**PC Mark Lynch 2246AS**  
Southwark Police Licensing Unit  
Tel: 0207 232 6756/6639

**From:** Binya, Raymond <[Raymond.Binya@southwark.gov.uk](mailto:Raymond.Binya@southwark.gov.uk)>

**Sent:** Tuesday, January 3, 2023 10:27 AM

**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>

**Cc:** [REDACTED]

**Subject:** Application for a premises licence to be granted under the Licensing Act 2003 for 176 Peckham High Street EPT's ref 990386

Dear Licensing Team,

**Application for a premises licence to be granted under the Licensing Act 2003**

**Ref No. 879093**

**Peckham Food and Wine**

**176 Peckham High Street**

**London**

**SE15 5EG**

**Off sales of alcohol at 176 Peckham High Street.**

On behalf of the Environmental Protection Team (EPT) I wish to object to this application on the grounds of the prevention of public nuisance through cumulative impact (CIP).

- The application is for off sales of alcohol for 24 hours in a cumulative impact area. The hours applied for are outside the policy hours and would not be considered acceptable, in an area that is saturated with public nuisance fuelled by alcohol sales.
- As we noted on previous applications that attempted similar changes, any increase in alcohol sales in the already saturated cumulative impact area is likely to contribute to a cumulative impact on public nuisance from street drinking, drunkenness, street fouling, and rowdy conduct in the street.
- The application has not addressed the potential cumulative impact of the proposed licence, nor given any compelling reason, nor any reason at all, why this premises should be considered an exception to the cumulative impact policy.
- EPT also note that prevention of public nuisance objective has not been addressed by the applicant in this application.

Therefore, it is our opinion that application has failed to address possible impact in immediate vicinity of the shop and the creeping additional impact that is not attributable to particular premises, once the patrons are out of vicinity.

Kind Regards

**Raymond Binya**  
**Principal Environmental Protection Officer**  
Environmental Protection Team  
Tel: 020 7525 4809

Postal address: Southwark Council, Environmental Protection Team, Regulatory Services,  
3rd Floor Hub 1, PO Box 64529, London, SE1P 5LX  
Office address (By appointment only): Southwark Council, 160 Tooley Street, London, SE1  
2QH

[www.southwark.gov.uk](http://www.southwark.gov.uk)



**From:** McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>  
**Sent:** Thursday, January 5, 2023 4:20 PM  
**To:** Regen, Licensing <Licensing.Regen@southwark.gov.uk>  
**Cc:** Franklin, David <David.Franklin@SOUTHWARK.GOV.UK>; Heron, Andrew <Andrew.Heron@southwark.gov.uk>; [REDACTED]  
**Subject:** RE: Peckham Food and Wine, 176 Peckham High Street, London, SE15 5EG - Application for a premises licence - Representation

Dear Licensing,

Further to Mr Heron's representation as below, submitted on my behalf in my absence, please note the following additional comments which are an addendum to the representation:

We wish to make reference to Part 5 of the LA 2003, section 7 of the Revised Guidance issued under section 182 of the Licensing Act 2003 and paragraphs 55 – 68 of our Statement of Licensing Policy relating to temporary event notices, and may expand on these matters at the hearing to determine the application.

Regards,

**Wesley McArthur**

Principal Enforcement Officer - Licensing Unit  
London Borough of Southwark

**E-mail:** [wesley.mcarthur@southwark.gov.uk](mailto:wesley.mcarthur@southwark.gov.uk)

**General:** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

**Phone:** 020 7525 5779

**Switchboard:** 020 7525 5000

**Website:** [www.southwark.gov.uk](http://www.southwark.gov.uk)

**Address:** Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH

**From:** Heron, Andrew <[Andrew.Heron@southwark.gov.uk](mailto:Andrew.Heron@southwark.gov.uk)>  
**Sent:** Thursday, January 5, 2023 2:34 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Cc:** Franklin, David <[David.Franklin@SOUTHWARK.GOV.UK](mailto:David.Franklin@SOUTHWARK.GOV.UK)>; McArthur, Wesley <[Wesley.McArthur@southwark.gov.uk](mailto:Wesley.McArthur@southwark.gov.uk)>  
**Subject:** Peckham Food and Wine, 176 Peckham High Street, London, SE15 5EG - Application for a premises licence - Representation

Dear Sir/Madam,

I write with regards to the above application to for a premises licence submitted by Muhammad Baloch under the Licensing Act 2003, which seeks the following licensable activities:

- Supply of alcohol (off the premises) on Monday to Sunday from 00:00hrs to 00:00hrs (24 hours-a-day);
- Overall opening times shall be on Monday to Sunday 24 hours-a-day.

The premises is described with in the application as 'A convenience store offering range of groceries, goods and off licence 09:00hrs to 11:00hrs (Licence number 876417).'

My representation is based on the Southwark Statement of Licensing policy 2021 – 2026 and relates to the licensing objectives for the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm.

This premise is situated within the Peckham Major Town Centre and under the Southwark Statement of Licensing Policy 2021 - 2026 the appropriate closing times off-licences and alcohol sales in grocers and supermarkets is 00:00 hours daily.

The premises also falls within the Cumulative Impact Area (CIA) for Peckham. Under the Southwark Statement of Licensing Policy 2021 - 2026 the local CIA applies to night clubs, public houses & bars, off-licences, supermarkets, convenience stores and similar premises.

Section six of the Policy deals with Southwark's local CIAs. This premises sits in the Peckham policy area as defined in paragraph 155 of the Policy and this premises falls into the class of premises in 156 of the policy.

Therefore under 131 of the policy there is a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations. In such circumstances, it is for the applicant to demonstrate that the application will not, if granted, further contribute to the negative local cumulative impact on any one or more of the licensing objectives.

Further to this; this premises has previously held a licence which was subject to a review submitted by Trading Standards. At the hearing for the review on 15 September 2017 the licensing sub-committee revoked the licence. The decision to revoke the licence was appealed and District Judge Julie Cooper dismissed the appeal against the decision to revoke the licence on 28 June 2018.

A new premises licence application was submitted on 04 September 2018 and was subsequently withdrawn on 03 October 2018. A further application was submitted in May 2021 and was refused by the Licensing Sub Committee on 22 July 2021.

A new application (the current licence) was submitted by the current licence holder in December 2021 and was heard by the Licensing Sub Committee on 17 May 2022. The licence was subsequently granted with the sale of alcohol (off the premises) from Monday to Sunday from 09:00hrs to 23:00hrs, with the opening hours commencing at 07:00hrs; and a raft of conditions.

Albeit now a new premises licence application, this is effectively an attempt to fully vary the licence to now make alcohol sales 24 hours-a-day. These hours are significantly outside of the recommended hours of the Southwark Licensing Policy and essentially, the premises lies within a Cumulative Impact Area – a locality that has been recognised as already being at full capacity for licensed premises. The

applicant has also not addressed the presumption to refuse this application within the operating schedule. The current licence is adequate and appropriate for the area and I therefore ask that the committee reject the application in full.

Southward's Statement of Licensing Policy 2021 – 2026 can be found on the following link:

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

Regards,

Andrew Heron

*Pronouns: He/Him*

Team Leader - Licensing

London Borough of Southwark

Regulatory Services – Environment & Leisure

020 7525 5767

**Address:** Licensing Unit, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

**Switchboard:** 020 7525 5000

**Website:** [www.southwark.gov.uk](http://www.southwark.gov.uk)



### WITNESS STATEMENT

**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

Statement of: PC Maria O'MAHONEY 2321AS

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature:  Date: 28/02/2023

Before writing this statement I have viewed my BWV footage which I exhibit as MVO/1 and MVO/2.

I am a Police Officer attached to the Night Time Economy Team and part of my duties are checking that licensed premises adhere to their licence conditions. On Saturday the 25<sup>th</sup> February 2023 I was on duty in plain clothes in the company of PC Lorena HAUGHEY 2737AS.

At 23:45 hours I was driving along PECKHAM HIGH STREET when I notice that PECKHAM FOOD AND WINE 176 PECKHAM HIGH STRET SE15 5EG was open. I decided to do an inspection as I was aware that their opening hours were 07:00 hours to 23:00 hours and their granted licensable activities were 09:00 hours to 23:00 hours. At 23:50 hours we approached the shop and I could see a male serving customers through a hatch. I now know this male to be  date of birth  who gave an address of  I identified myself to Mr  as Police Officer showing him my warrant card and asked to come in so I could do a licensing inspection.

We entered the shop and I asked Mr  if he was the DPS and he said no but he was a Personal Licence holder. I asked to see his Personal Licence but Mr  said that he didn't have it as he had sent it back to Havering Council to have his address changed. I asked him was he still selling alcohol and he said no that he had stopped at 23:00 hours. On checking the Premises Licence I noticed that condition:-

843 - That all previous management involved in the premises are excluded from the premises and take no part in the operation of the premises namely:

I asked Mr  had he previously had any dealings or worked at PECKHAM FOOD AND WINE. Mr  replied "Never had I worked here". He confirmed that it was him named on condition 843 of the Premises Licence. He then said that he could work there as staff but not management. I pointed out to Mr  that the condition stated that he was "excluded from the premises and to take no part in the operation". He then said that "as the boss told me as a management you can't work but as staff you can". He then said the brother of the owner Mr  was on holiday and asked him to come in and help. He then said that he thought he was allowed to work there after 23:00 hours when the Premises was no longer allowed to sell alcohol. He also stated that he had never had anything to do with PECKHAM

Witness Signature:

Signature Witnessed by Signature: .....

Continuation of Statement of:

FOOD AND WINE and that this condition was from a previous Off Licence he had worked in which was PRESCO FOOD AND WINE SOUTHAMPTON WAY where he had received a caution for selling counterfeit alcohol.

I asked Mr [redacted] if he could show me the CCTV. Mr [redacted] claimed that the CCTV was locked in another room and the boss had left with the key at 23:00 hours. This is a breach of conditions:-

340 - A CCTV recording system shall be installed that is compliant with, and capable of, capturing an image of evidential standards. The system shall continually record whilst the venue is open for licensable activity and/or when customers are present on the premises. All CCTV recordings shall be time- & date-stamped and maintained for a minimum of thirty-one (31) days. Cameras shall be installed so as to cover both internal and external areas of the premises. At least one camera shall cover ingress/egress points.

341 - Staff shall be fully trained in the operation of the CCTV system and there shall be at least one member of staff on duty during trading hours who is able to provide copies of CCTV recordings to the Police and authorised officers of the Local Authority. Such copies shall, in any event, be provided within forty-eight (48) hours.

As I was leaving I told Mr [redacted] to let Mr [redacted] know that I would be returning Sunday night before 23:00 hours to view the CCTV.

On Sunday the 26<sup>th</sup> February 2023 at 22:15 hours myself and PC HAUGHEY returned to PECKHAM FOOD AND WINE. Working behind the counter was a female who gave her name as [redacted] date of birth [redacted] and resides at [redacted]. We identified ourselves as Police Officers and explained that we were there to carry out a licensing inspection. Ms [redacted] was unable to produce any ID to verify her details but her name appeared on the training records and the authority letter stating she had been authorised by the DPS to sell alcohol. I asked her how long she had worked at PECKHAM FOOD AND WINE and she said she was training and had only been there for two weeks. I asked to view the CCTV and Ms [redacted] claimed it wasn't working as there was a problem with the hard drive. Ms [redacted] was extremely nervous and I had to tell her to calm down and to contact her boss. Ms [redacted] said he was upstairs in the flats above the shop where he lives. I asked her to phone him to come down so we could carry out the inspection with him. She got Mr [redacted] on the phone and he refused to come down as he was eating dinner with his family. As Ms [redacted] was on the phone a customer came in and I noticed that she did not use the till to ring in the sale but was using a calculator to work out the price. I picked up a can of Tyskie beer and asked Ms [redacted] to demonstrate the EPOS or POS sale system. Ms [redacted] then explained that the EPOS sale system wasn't working so that none of the alcohol or cigarettes were being scanned. This was a breach of condition:-

845 - That an electronic point of sale system (EPOS or POS) is installed and operated at the premises.

Ms [redacted] was still on the phone to Mr [redacted] so I asked her to put him on the phone to me as I was concerned that she had only been working there two weeks and was still

Witness Signatur [redacted] .....

Signature Witnessed by Signature:.....

Continuation of Statement of:

training. There were a number of breaches of the Premises Licence and I would be issuing a Notification of Offences. Ms [redacted] asked Mr [redacted] to speak to me on the phone so the issues could be addressed but he refused requesting that I email him. I asked Ms [redacted] to tell Mr [redacted] that I would be making a note that he refused to speak to me. I also asked her to ask him why he had Mr [redacted] working in the shop when there is a condition on the Premises Licence that he is not allowed to be involved with the premises. Ms [redacted] relayed this to Mr [redacted] who replied that because Mr [redacted] was in there after 23:00 hours the Premises licence conditions are no longer enforceable.

As Mr [redacted] refused to either come downstairs or speak to me on the phone I issued the Notification of Offences to [redacted] who signed acknowledging receipt of the form before leaving the premises. [redacted]

Witness Signature: [redacted]

Signature Witnessed by Signature: [redacted]



# Notification of alleged offences under the Licensing Act 2003

Venue Name: Beckham Food & Wine REF: (CAD/CRIS etc.) \_\_\_\_\_

Address: 176 Beckham High Street  
SE15 5EG Date: 26/2/23 Time: 22:22

Details of person in charge at the relevant time:

DPS  Personal Licence Holder

### Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y  No  )
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y  No  )
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y  No  )
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:

845- No electronic EPOS or POS installed  
340 + 341 CCTV not working.. Staff unable to  
operate CCTV.

Issuing officer: Print:

I acknowledge receipt of this form: (venue)

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001

### WITNESS STATEMENT

**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

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Statement of: PC Maria O'MAHONEY 2321AS

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature:

[Redacted Signature]

Date: 10<sup>th</sup> March 2023

Before writing this statement I have viewed my BWV footage which I exhibit as MVO/3 "Peckham Food and Wine".

I am a Police Officer attached to the Night Time Economy Team and part of my duties are checking that licensed premises adhere to their licence conditions. On Thursday the 9<sup>th</sup> March 2023 I was on duty in plain clothes in the company of Trading Standards Officer Ray MOORE and Licensing Officer Barry O'CALLAGHAN. We were conducting a follow up visit to PECKHAM FOOD AND WINE 176 PECKHAM HIGH STREET SE15 5EG as on my previous visits I had found a number of offences and breaches of the Premises Licence. On the 26<sup>th</sup> February 2023 I had issued a Notification of Offences under the Licensing Act 2003.

At 14:30 hours we entered the premises and working behind the counter was a male who I now know to be [Redacted] date of birth [Redacted]. We introduced ourselves and explained that we were there to conduct a licensing inspection. Mr [Redacted] was working on his own in the shop and said that he had only been there for three weeks. Barry O'CALLAGHAN asked Mr [Redacted] if he had received training on the sales of alcohol and the Licensing Act. Mr [Redacted] said he had but was unable to produce any training records. He was also asked about "Challenge 25" and what did it entail. Mr [Redacted] was unable to explain "Challenge 25" and said he didn't know what it meant. He was then asked to provide us with the Refusal log which he also didn't know what it was or where it was kept.

This is a breach of the Premises Licence conditions:-

342 - The Challenge 25/Think 25 proof of age scheme shall be operated at the premises. All customers who appear under the age of 25 will be challenged to prove that they are over 18 when attempting to purchase alcohol. Acceptable forms of ID include a photo driving licence, passport, or home office approved identity card bearing the holographic PASS mark. If the person seeking alcohol is unable to produce an acceptable form of identification, no sale or supply of alcohol shall be made to or for that person.

343 - All relevant staff shall be trained in the law about the sale of alcohol. Such training will include challenging every individual who appears to be under 25 years of age and refusing service where individuals cannot produce acceptable means of identification, acceptable

Witness Signature: [Redacted]

Signature Witnessed by Signature: .....

Continuation of Statement of:

forms of ID, and using the refusal register. Such training (including any refresher training) will be logged and ongoing.

345 - A refusals log must be kept at the premises, and made immediately available on request to the police or an authorised person. The refusals log is to be inspected on a monthly basis by the DPS and noted in the log and a record made in the log of any actions that appear to be needed to protect young people from harm. The log must record all refused sales of alcohol and include the following: a) the identity of the member of staff who refused the sale; b) the date and time of the refusal; c) the alcohol requested and reason for refusal; d) description of the person refused alcohol

Mr [redacted] was asked to operate the CCTV. He said he was unable to do so as he has never been shown how to operate it. He then telephone the DPS [redacted] who I spoke to on the phone. I explained to Mr [redacted] that I needed to see that the CCTV was now operating and recording and I was concerned as this was now my third visit and on each occasion the CCTV was not in operation. Mr [redacted] claimed he had a new hard drive put in but was unable to demonstrate that it was working and recording. The breached conditions:-

340 - A CCTV recording system shall be installed that is compliant with, and capable of, capturing an image of evidential standards. The system shall continually record whilst the venue is open for licensable activity and/or when customers are present on the premises. All CCTV recordings shall be time- & date-stamped and maintained for a minimum of thirty-one (31) days. Cameras shall be installed so as to over both internal and external areas of the premises. At least one camera shall cover ingress/egress points.

341 - Staff shall be fully trained in the operation of the CCTV system and there shall be at least one member of staff on duty during trading hours who is able to provide copies of CCTV recordings to the Police and authorised officers of the Local Authority. Such copies shall, in any event, be provided within forty-eight (48) hours.

I asked Mr [redacted] if he could attend the premises as I was concerned that the continuing breaches were not being addressed and that staff had not received adequate training. Mr [redacted] refused stating he was at the cash and carry.

As we were carrying out the inspection [redacted] date of birth [redacted] arrived for work who I conducted my previous inspection with.

Ms [redacted] was able to produce the Refusals Log. On inspecting the refusal register I noticed that [redacted] had completed it a number of times as having refused to sell alcohol to a person as they did not have ID.

This is a breach of condition 843 - That all previous management involved in the premises are excluded from the premises and take no part in the operation of the premises.

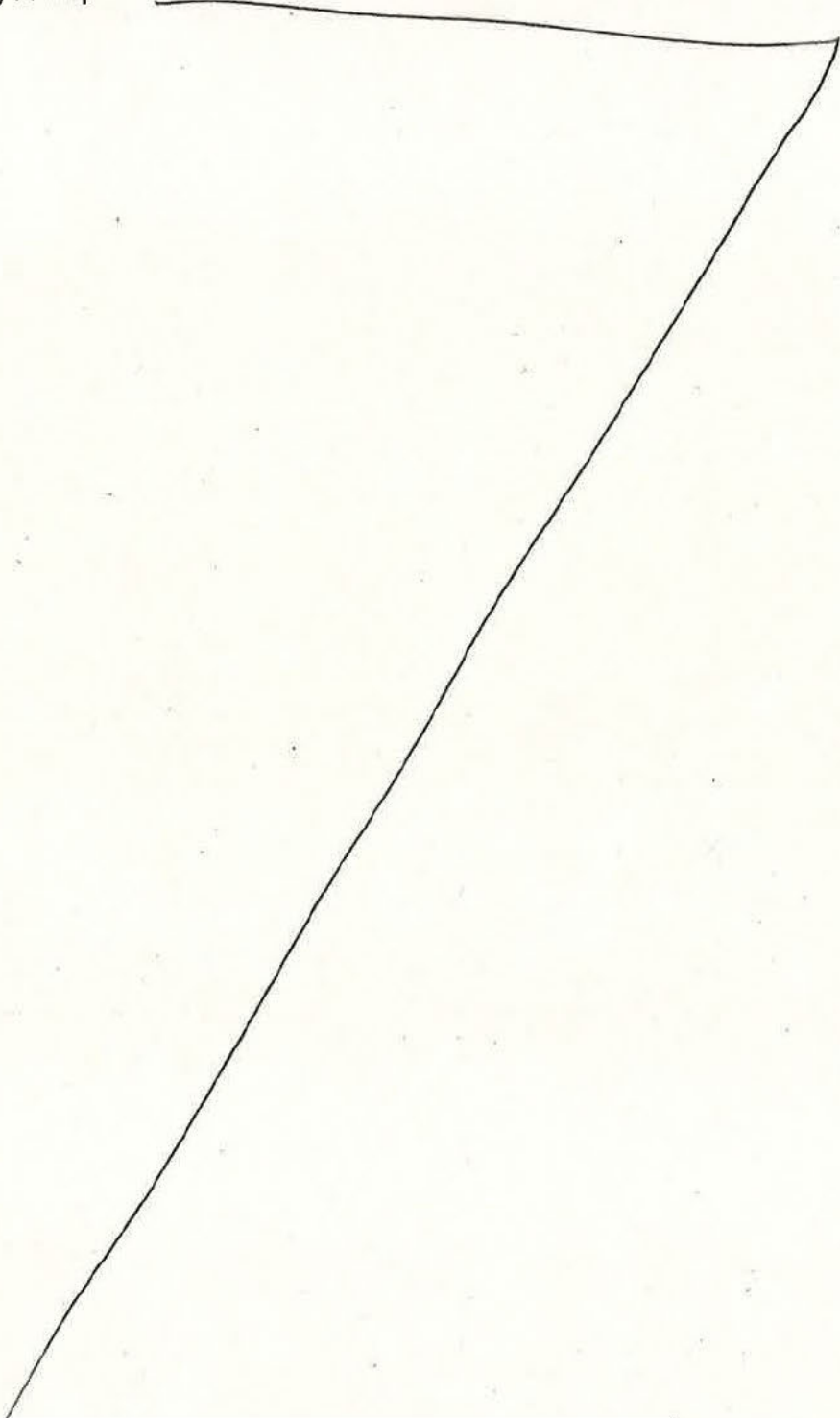
Witness Signature: [redacted]

Signature Witnessed by Signature:.....

Continuation of Statement of:

I asked Ms [redacted] if she could demonstrate if the till was working but she was unable to do so as it still not operating which is a breach of condition 845 - That an electronic point of sale system (EPOS or POS) is installed and operated at the premises.

At 15:15 hours I issued a Notification of Offences to [redacted] which he signed for acknowledging receipt.



Witness Signature: .....



Signature Witnessed by Signature: .....



**METROPOLITAN  
POLICE**

Book 6

Police Copy

# Notification of alleged offences under the Licensing Act 2003

Venue Name: Peckham Food & Wine REF: (CAD/CRIS etc.) .....

Address: 176 Peckham High Street .....

SE15 5EG Date: 9/3/23 Time: 15:15

Details of person in charge at the relevant time: [REDACTED] .....

DPS  Personal Licence Holder

### Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y  No )
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y  No )
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y  No )
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:

340 + 341 ~~3~~ CCTV not operating.  
 343 Staff unaware of "challenge 25"  
 342 "challenge 25 not in operation" Staff unaware.  
 345 Staff do not know what a refusal log is.  
 345 Electronic sale till (EPOS/POS) not in operation.

Issuing officer: [REDACTED] Print: [REDACTED]

I acknowledge receipt of this form: (venue) [REDACTED]

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001



**STATEMENT OF WITNESS**

(Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9)

**Statement of (full name):** Raymond Henry MOORE

**Age of witness (if over 18, write "over 18"):** Over 18

This statement (consisting of 1 page) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

I am employed by the London Borough of Southwark as a Principal Trading Standards Officer and as such I am an authorised officer under a range of legislation including the Licensing Act 2003.

On Thursday 9<sup>th</sup> March 2023 I went to the premises trading as Peckham Food and Wine at 176 Peckham High Street, SE15 5EG. I was accompanied by a Licensing Officer, Barry O'CALLAGHAN and a police officer from the Night Time Economy Team, PC Maria O'MAHONEY. We entered the premises at about 14:30hrs. I introduced myself and colleagues and spoke with the man behind the counter, Mr [REDACTED]. He could not operate the CCTV or produce training material etc. that were requested as per notice number 3435. However, at 15:00hrs another member of staff arrived, [REDACTED]. She produced a training manual which showed that "[REDACTED]" had signed the refusals register with hand writing that I recognise as being that of "[REDACTED]". Similarly he was also under those authorised to sell alcohol and had completed the training to say that he had understood. This was contrary to the license that was granted by the Licensing Sub-Committee on 17 May 2022 which included a condition "844: That all previous management involved in the premises are excluded from the premises and take no part in the operation of the premises namely: [REDACTED] and [REDACTED]". Mr [REDACTED] had been proposed as the Designated Premises in the original application. I produce a photograph of the training record as RAY/PFW/1. I produce a photograph of the authorisations as RAY/PFW/2 and I produce a photograph of the refusals register as RAY/PFW/3.

**Signed:** ..... (witness) **Date:** .....

(To be completed if applicable: ..... being unable to read the above statement I, .....of ....., read it to him/her before he/she signed it.

**Signed:** [REDACTED] .....

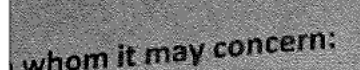

**Date:** 22/3/23 ) CL4



# DESIGNATED PREMISES SUPERVISOR (DPS) LETTER OF AUTHORISATION


22/11/22

whom it may concern:

  being the Designated Premises Supervisor (DPS) and the holder of a Personal Licence am the person in a position of authority on the premises known as

PECKHAM Food & Wine.

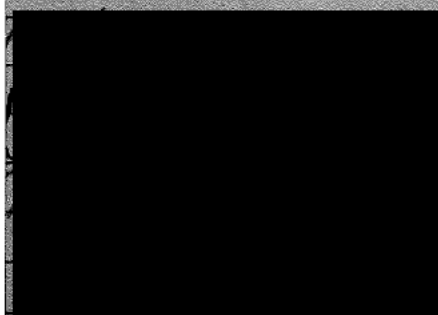

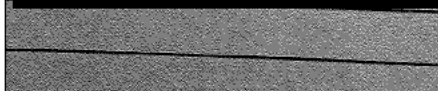
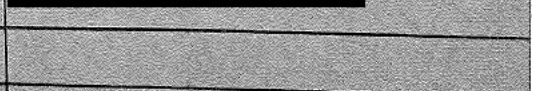


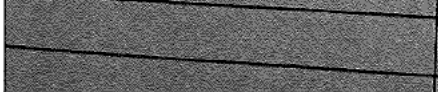
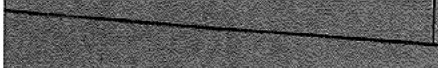
Personal Licence Number: PE

Personal Licence Number: 

I hereby authorise the following named personnel to sell and supply alcohol, to comply with the licensing law and the conditions attached to the licence. This being either when I am present on the premises or in my absence when I am away from the premises. I can always be contactable on the following telephone number:

### NAMES OF AUTHORISED PERSONS:

Being a person named below am aware of and accept my responsibilities under the Licensing Act 2003 and will endeavour to comply in accordance with the licensing law and the licence conditions attached to the licence.

NAME	PERSONAL LICENCE NO. (If applicable)	SIGNATURE
	5/7/2022	
	16/02/2023	
		
		
		
		

# REFUSALS REGISTER

Date	Time	Product attempted	Name of person or description	Why sale refused?	Sta me
22/06/2022	9:00pm	Sourz	Two Young White Guys	No ID	
01/07/2022	11:00pm	Jack Dewel	Young Lady Black	No ID / <sup>only</sup> <del>Picture</del> <sub>Phone</sub>	
03/07/2022	7:30pm	CIDER	Middle age 30-35 white	No ID <sup>But</sup> <del>and</del> Drunk	
04/07/2022	10:11AM	Beer + Whisky	Three Young Satese Guys white	Under Age No ID	
09/07/2022	1:40pm	Rum	Young Girl Black	No ID	
13/07/2022	3:30pm	BEER	Young Boy Under age	No ID	
17/07/2022	7:07pm	Win + Cigaretts	Young Boy Drunk		
25/07/2022	12:11pm	Cider	Young Boy white	No ID	

Key: M / F - Male or Female

U/A - Underage

D/D - drunk or disorderly

Dr - under the influence of drugs

RAM/PFW/3



## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 17 MAY 2022

#### **S.17 LICENSING ACT 2003: PECKHAM FOOD AND WINE, 176 PECKHAM HIGH STREET, PECKHAM, LONDON SE15 5EG**

#### **1. Decision**

That the application made by Mr. Muhammad Baloch for a premises licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as of Peckham Food and Wine, 176 Peckham High Street, Peckham, London SE15 5EG and subject to the appointment of a designated premises supervisor is granted.

#### **2. Hours**

The sale of alcohol to be consumed off the premises	Monday to Sunday 09:00 hours to 23:00 hours
Opening hours of the premises	Monday to Sunday: 07:00 hours to 23:00 hours.

#### **3. Conditions**

1. That no alcohol will be stored or displayed within 2-metres of the entrance/exit unless behind the staff counter.
2. That no beers / ciders in single cans, bottles or multi-packs with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises.
3. That when the premises are open to the public and the licence is not in operation, all alcohol shall be stored in a locked cabinet/cooler, behind a lockable blind or behind the counter.
4. That all previous management involved in the premises are excluded from the premises and take no part in the operation of the premises



namely: [REDACTED]

5. That alcohol is displayed as set out in the plan submitted with the application.
6. That an electronic point of sale system (EPOS or POS) is installed and operated at the premises.
7. A written dispersal policy is kept at the premises with the licence and made available for inspection by authorised council officers or the police. All relevant staff shall be trained in the implementation of the dispersal policy.

#### **4. Reasons**

This was an application made by Mr. Muhammad Baloch for a premises licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as of Peckham Food and Wine, 176 Peckham High Street, Peckham, London SE15 5EG.

The licensing sub-committee heard from the applicant's representative who advised that the premises was a convenience store offering a range of groceries and goods in addition to the sale of alcohol. Concerning the responsible authorities referring to the premises being located in a cumulative impact area (CIA), the applicant's representative stated that they were not specifically referred to in the Licensing Act 2003. There were public houses on each side of the Peckham Food and Wine premises and any cumulative impact would be at 23:00 hours when the pubs were closing. Peckham Food and Wine would have a steady egress of customers therefore, no cumulative impact would occur. There had also been a previous premises licence, so the argument that a "new licence" was largely irrelevant. Furthermore, the CIA presumption did not relieve the responsible authorities in providing evidence as to how the cumulative impact would be affected by the operation of a new premises. None of the responsible authorities had provided direct evidence to demonstrate their cause of concern. Concerning the issues relating to the proposed DPS raised by trading standards, the applicant had withdrawn this aspect of the application and until a new DPS had been identified by him, he would act as the DPS. Obviously, until the applicant had obtained his personal licence, the premises could not sell alcohol.

The licensing sub-committee heard from the officer from trading standards whose representations were submitted with regard to all four of the licensing objectives.



The officer accepted that the applicant was not connected to the previous owners when the licence had been revoked. The concerns raised by Trading Standards were relevant because the area was particularly challenging. In addition, the proposed DPS (withdrawn by the applicant) had previously been refused an application in 2021. It was the officer's view that this questioned the applicant's abilities of due diligence.

The Metropolitan Police Service informed the sub-committee that the premises had previously been subject to a trading standards premises licence review in 2017, when the premises licence was revoked, and that an appeal against the licence revocation was rejected by the Magistrates' Court. The officer also stated that the premises were located in the Peckham CIA and that the locale has a large problem with street drinking, alcohol abuse and associated crime and disorder; the applicant had failed to address cumulative impact at all in the application.

The environmental protection team confirmed that their representation related to the prevention of public nuisance licensing objective. The premises were located in a cumulative impact area and any increase in alcohol sales in the already saturated CIA was likely to contribute to the negative cumulative impact on public nuisance caused by street drinking, drunkenness, street fouling, and rowdy conduct in the street. Further, the environmental protection team stated that the applicant had failed to address cumulative impact within the body of its application, or at all.

The licensing sub-committee heard from the officer representing licensing as a responsible authority submitted a representation with regard to all four licensing objectives. The licensing responsible authority notes that the premises are located in a cumulative impact area. Licensing as a responsible authority contends that the applicant has failed to address both cumulative impact, and the presumption to refuse applications that are subject to a cumulative impact policy. The premises were subject to a premises licence review submitted by this council's trading standards service in 2017, when the premises licence was revoked, and that an appeal against the revocation was rejected by the Magistrates' Court. An application for a premises licence submitted in 2021 was refused by the licensing sub-committee and the officer was of the view that the previous licensee or DPS may still have an interest in the business. Licensing as a responsible authority recommends that the application is refused unless the applicant can demonstrate that the proposed operation of the premises will not contribute to crime and disorder and public nuisance within the Peckham cumulative impact area.



The licensing sub-committee considered all of the representations made by the applicant and the responsible authorities carefully. The applicant's points concerning cumulative impact, that the responsible authorities had not provided any direct evidence concerning this was not accepted. Southwark's statement of licensing policy was reviewed and subsequently ratified by Council Assembly 25 November 2020. As part of the that review there was a partnership analysis of alcohol related violence as part of the consideration of cumulative impact on licensed premises within Borough & Bankside; Camberwell and Peckham (in addition to areas under monitor) CIA. A partnership analysis was currently being carried out and due to be considered by the full Licensing Committee in late 2022. The sub-committee also took into account Westminster City Council v Middlesex Crown Court [2002] EWHC 1104 which confirmed that a premises licence could be refused on the sole ground that the area was already saturated with licensed premises.

The initial concerns of previous names held by the applicant were explained and the sub-committee were satisfied with the responses they received. The sub-committee concluded that the 2017 issues with the operation of the premises could be satisfactorily resolved with the exclusion of previous management for the operation of the premises, in addition to the conditions referred in this decision.

## **5. Appeal Rights**

The applicant may appeal against any decision:

- a. To impose conditions on the licence
- b. To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a. The licence ought not to be been granted; or
- b. That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of





21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against

Issued by the Constitutional Team on behalf of the Director of Law and Governance.

Date 17 May 2022

**WITNESS STATEMENT**


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

Name: Barry O'Callaghan

Occupation: Principal Licensing Officer

Age if over 18: Over 18

This statement (consisting of: 4 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated anything in it which I know to be false, or do not believe to be true.

Signature: 

Date: 28 February 2023

I am a ~~Principle~~ Licensing Officer for Southwark Council and have been employed as such since November 2022. I am a duly authorised officer for the purposes of the Licensing Act 2003, Gambling Act 2005, London Local Authorities Act 1991 and the Health Act 2006.

Unless otherwise stated to the contrary, the contents of this statement are within my personal knowledge and are true. Where the contents are not within my personal knowledge, the information is true to the best of my information knowledge and belief.

I attach as Exhibits "BOC/1-BOC/3" which I will refer to in the course of my Witness Statement

Within Southwark, the licensing responsibility is wholly administered by this council.

Peckham Food and Wine is a small grocery store and off licence situated at 176 Peckham High Street SE15 5EG. The premises licence number 876417 (granted 17 May 2022) allows for the provision of licensable activities as follows: Sale of alcohol to be consumed off the premises: Monday to Sunday: 09:00 hours to 23:00 hours and opening hours: Monday to

Signed 

Dated 28 February 2023

Sunday 07:00 hours to 23:00 hours.

The current designated premises supervisor (DPS) named on the licence is Naseem BALUCH, who holds a personal licence issued by the [REDACTED] This was issued on 24 May 2021.

The Premises Licence holder is Muhammed BALUCH

I attach as my Exhibit BOC/1 a copy of the premises licence.

On Friday 24 February 2023 I was employed on directed patrols across the borough and at about 23:40 I attended outside the premises and saw that the premises were still open and trading. I stood outside for approximately 10 minutes to see if any customers were coming out with alcohol and did not witness any instances of this.

At about 23:50 I entered the premises and was immediately engaged by the sole member of staff behind the counter a man who later gave his name as Mr [REDACTED] I introduced myself and presented my official identification. He said that he knew the premises should close at 23:00 but that he was waiting for the boss to arrive and close up. He assured me that no alcohol had been sold since 23:00

He did provide me with a copy of the premises licence and a refusals log (last entry 6/2/23) but was unable to provide any training records for staff at the premises.

Due to the fact that there were a number of people outside trying to gain entry I decided to do a small dip sample of the conditions on the licence. I saw displayed in the open chiller cabinets at the rear of the shop a quantity of cans of the following items ASPAL Premier Cru cider alcohol (alcohol 6.8% volume)

Signed [REDACTED]

Dated 28 February 2023

I took a picture of the items displayed and now produce the image as my exhibit BOC/2

Also displayed was a quantity of cans of Henry Weston's Cloudy vintage cider (alcohol 7.3% volume) I took another photo of the display and now produce this image as my exhibit BOC/3

As I was taking photos of the items Mr [REDACTED] said that he had recently purchased the items as he thought they were just new flavours with the same alcohol content as others previously he had previously purchased.

All items were then removed from display by Mr [REDACTED]

The queue from the pub were still congregating around the main door, some shouting why was I allowed in. I left the premises at that stage to diffuse the situation and allow Mr [REDACTED] to close the premises completely

The following conditions attached to the licence appear to have been breached

343 - All relevant staff shall be trained in the law about the sale of alcohol. Such training will include challenging every individual who appears to be under 25 years of age and refusing service where individuals cannot produce acceptable means of identification, acceptable forms of ID, and using the refusal register. Such training (including any refresher training) will be logged and ongoing

841 That no beers / ciders in single cans, bottles or multi-packs with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises.

842 That when the premises are open to the public and the licence is not in operation, all alcohol shall be stored in a locked cabinet / cooler, behind a lockable blind or behind the counter.

Signed [REDACTED]

Dated 28 February 2023

843 That all previous management involved in the premises are excluded from the premises and take no part in the operation of the premises namely: [REDACTED]

[REDACTED]

Signed

[REDACTED]

Dated 28 February 2023

BOC/2



BOC/3

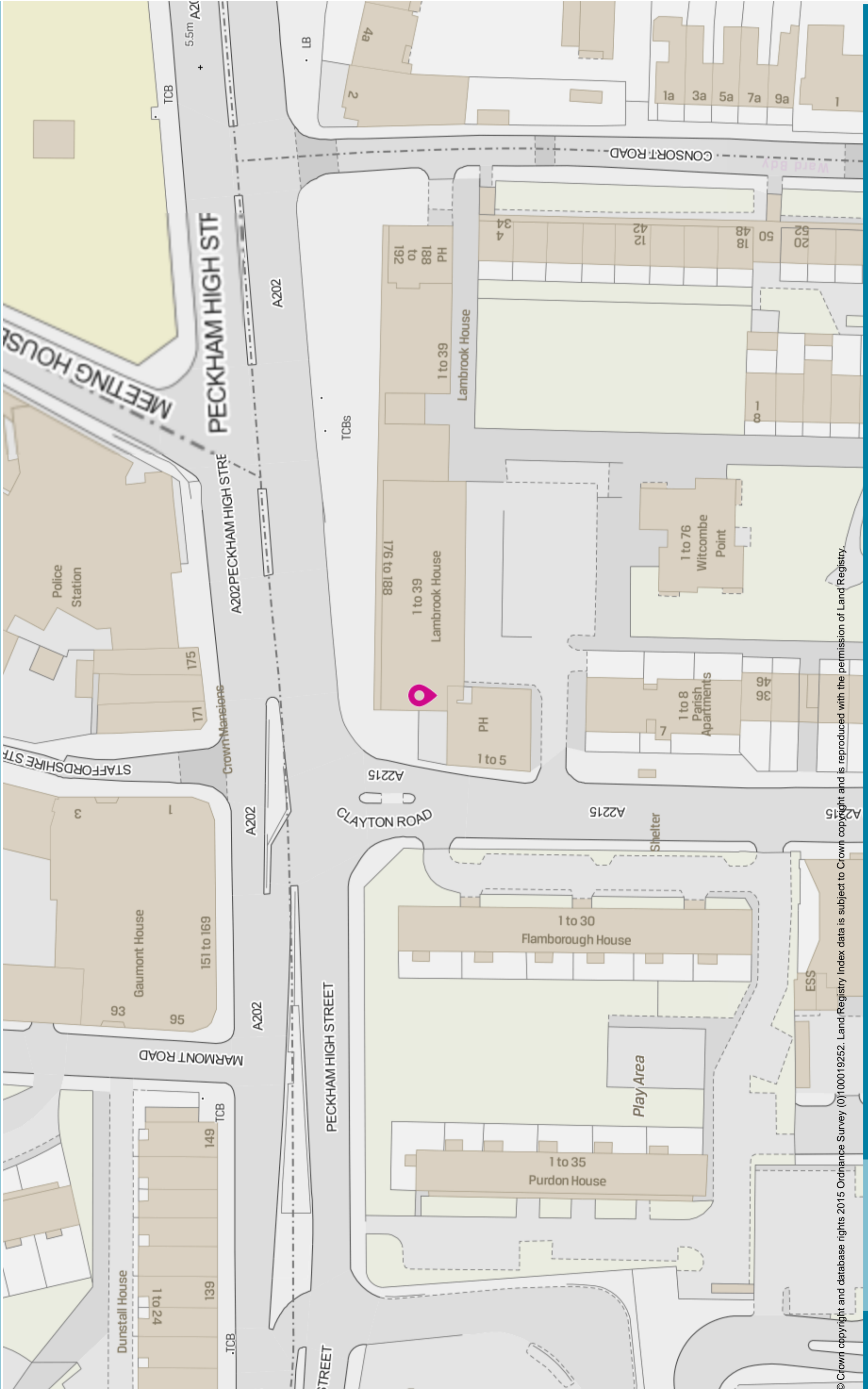


Temporary Event Notices – Peckham Food & Wine 176 Peckham High Street.

received date	refno	start_date	end_date	times	max no people	sale of alcohol	for consumption	LNR	late ten	police obj	ept obj	desc1
08/12/2022	879106	04/01/2023	11/01/2023	23pm - End 09am) daily	5	Yes	Off Premises	No	No	No	No	rejected to many days no deductions made
08/12/2022	879107	27/12/2022	02/01/2023	23pm - End 09am) daily	5	Yes	Off Premises	No	No	No	No	
08/12/2022	879110	20/12/2022	26/12/2022	23pm - 09am daily	5	Yes	Off Premises	No	Yes	No	No	REJECTED, NO DEDUCTIONS MADE
11/12/2022	879120	23/12/2022	25/12/2022	23pm - End 09am daily	5	Yes	Off Premises	No	Yes	No	No	



PECKHAM FOODS & WINES LTD, 176, PECKHAM



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<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 11 May 2023	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report title:</b>		Licensing Act 2003: Southbank Nightclub Trading As La Estacion, 57-59 Camberwell Road, London SE5 0EZ	
<b>Ward(s) or groups affected:</b>		Faraday	
<b>From:</b>		Strategic Director of Environment, Neighbourhoods and Growth	

## RECOMMENDATION

1. That the licensing sub-committee considers an application submitted under Section 51 of the Licensing Act 2003 (the Act) for the review of the premises licence held by Uwa Enri Julius, in respect of the premises known as Southbank Nightclub Trading As La Estacion, 57-59 Camberwell Road, London SE5 0EZ.
2. Notes:
  - a) The grounds for the review are stated in paragraphs 12 to 14 of this report. A copy of the premises licence review application is attached as Appendix A.
  - b) The review application is supported by representations submitted by responsible authorities in Appendix B and by other persons in Appendix C and D. Details of the representations are provided in paragraphs 15 to 20.
  - c) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix E. A map of the area that the premises are located in is attached as Appendix G.
  - d) 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 provides a 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
  - 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
  - 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 persons 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 of the Act it remains open to any Responsible Authority or other person to apply to the local Licensing Authority for a review of the premises licence where there are ongoing concerns regarding one or more of the four stated licensing objectives.

## **KEY ISSUES FOR CONSIDERATION**

### **The premises licence**

9. The premises licence allows the provision of licensable activities as follows:
  - The sale of alcohol to be consumed on the premises:
    - Sunday to Wednesday: 10:00 to 00:00
    - Thursday: 10:00 to 02:30
    - Friday and Saturday: 10:00 to 04:30
  
  - The provision of late night refreshment (indoors and outdoors):
    - Sunday to Wednesday: 23:00 to 00:00
    - Thursday: 23:00 to 02:30
    - Friday and Saturday: 23:00 to 04:30

- The provision of regulated entertainment in the form of films, live music, recorded music, performances of dance and anything similar(indoors):
  - Sunday to Wednesday: 10:00 to 00:00
  - Thursday: 10:00 to 02:30
  - Friday and Saturday: 10:00 to 04:30
- Opening hours:
  - Sunday to Wednesday: 10:00 to 00:30
  - Thursday: 10:00 to 03:00
  - Friday and Saturday: 10:00 to 05:00.

10. The licence is subject to the mandatory conditions set down under the Act and further conditions consistent with the operating schedule submitted with the application for the licence. A copy of the full premises licence is attached as Appendix E.

### **Designated premises supervisor (DPS)**

11. The current designated premises supervisor (DPS) named on the licence is Uwa Enri Julius, who holds a personal licence with Lewisham and is also the premises licence holder.

### **The review application**

12. On 28 May 2022, an application was submitted under Section 51 of the Licensing Act 2003, for the review of the premises known as Southbank Nightclub Trading As La Estacion, 57-59 Camberwell Road, London SE5 0EZ.

13. The review application was submitted in respect of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm licensing objectives and in summary states that the following has been witnessed and / or taken place at the premises:

- Excessive noise from patrons and loud music
- Antisocial behaviour including fights on the street outside
- Feeling unsafe in the immediate vicinity
- Detritus left by patrons
- The length of hours currently granted to the premises
- The proximity to local residents.

14. Full details of the grounds for the review are provided within review the application. A copy of the review application is attached as Appendix A along with a statement by the applicant.

### **Representations from responsible authorities**

15. There are supporting representations submitted in relation to the review application by the Metropolitan Police, environmental protection and the licensing authority in their roles as responsible authorities.

16. The representation from the police is made under the licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance. It evidences disturbance incidents that have arisen at the premises and a breach of COVID Regulations. This representation is available in Appendix B.
17. The representation from environmental protection in relation to the public nuisance aspect of the application. Complaints have been made to the Southwark noise team, but it is stated that the level of noise complained about did not constitute a public nuisance. This representation is available in Appendix B.
18. The licensing authority's representation is made in support of the review under the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance; and draws attention to a history of complaints emanating from the premises and a number of licence breaches. The representation refers to supporting information which was not available at the point this report was written. This representation is available in Appendix B.

### **Representations from other persons**

19. Eight supporting representations have been received from other residents in the vicinity, citing excessive noise from patrons and music, crowds of patrons on the street causing antisocial behaviour and spreading into neighbouring streets, drunken behaviour, public urination, breaches of licence conditions and the subsequent impact on local families and their properties. The representation is attached as Appendix C.
20. There are four representations in support of the premises licence holder. They state that the premises is being run properly. Members may wish to consider the validity of these representations as they may be borderline in validity as they fail to address one or more of the four licensing objectives. The representations are available in Appendix D.

### **Operating history**

21. The premises was originally licensed under the previous Justices' system from March 2006, initially to Knightriders Entertainment Limited. The licence covered the ground floor and basement. In September 2013, it was transferred to Edo Entertainments Limited.
22. On 14 July 2014, Enri Julies (the current premises licence holder and DPS) applied for a new premises licence for the basement only, to change the premises into a nightclub and to use the basement only. The application received representations from responsible authorities and local residents and was hearing by the licensing sub-committee on 8 September 2014. A copy of the notice of decision is included for members information in Appendix F.
23. Mr Uwa Enri Julius (the premises licence holder) became the DPS as of May 2015.
24. A local resident initiated a review of the premises licence on 29 May 2022. This was withdrawn a week later on 1 June 2022.

25. On 8 June 2022, an application was submitted by a resident for the review of the premises licence.
26. The application was considered by the Southwark licensing sub-committee on 2 August 2022. The matter was adjourned until 18 August 2022. The matter was again adjourned until 6 October 2022.
27. The decision of the sub-committee was appealed. The matter has been referred back to the sub-committee by the court and is now a 'de novo' hearing.
28. On 2 March 2023, the matter was to be brought before the licensing sub-committee. However, at the start of the meeting, the licence holder's legal representative asked that the hearing be delayed so that further work could take place with the acoustic survey. The chair agreed to do so, reconvening on 11 May 2023. The licensing unit have not been informed of any progress with the acoustic survey from the licence holder's legal representative.
29. Ahead of the hearing, an additional statement had been forthcoming from the applicant's tenants. This is available in Appendix G.
30. Ahead of the hearing, an acoustic report was provided on behalf of the premises licence holder. This is available in Appendix H.
31. There is no recent history of temporary events notices for the premises.
32. The following is a table of most recent complaints regarding the premises, received by the licensing authority, over the past 24 months (this does not include complaints made directly to the Southwark noise team):

<b>Date</b>	<b>Complainant</b>	<b>Complaint</b>	<b>Outcome</b>
05/07/2021	Local Resident	Complaint of noise on egress of patrons at 05:00hrs with no attempt from security to control.	Written warning to premises
27/09/2021	Local Resident	Excess noise from premises including music and noise from patrons.	Verbal advice to premises from EO
29/11/2021	Local Resident via Noise Team	Complaint of loud music.	Visit from Noise Team, no action taken.
28/03/2022	Local Resident	Excess noise from premises including music and noise from patrons.	Response to Complainant, referred to NTE.
03/10/2022	Southwark Noise Team	Information provided by Noise Team: Visit to premises on 02 October 2022 – statutory noise nuisance witnessed.	Dealt with by Noise Team
05/12/2022	Local Resident	Complaint of loud music after hours following review	Advised that appeal had been received an hours

Date	Complainant	Complaint	Outcome
			permitted until appeal heard
09/01/2023	Southwark Noise Team	Information provided by Noise Team: Had attended due to a noise complaint from a resident. For information only.	Dealt with by Noise Team
12/02/2023	Southwark Noise Team	An additional complain, see Appendix I.	

### The local area

33. A map of the local area is attached as Appendix J. There are the following licensed premises in the immediate vicinity (100m):

#### **Emukay Restaurant, 91 Camberwell Road, London SE5 1EZ**, licenced for:

- The sale by retail of alcohol (on and off sales):
  - Monday to Sunday: 10:00 to 02:30 (the following day)
- The provision of late night refreshment (indoors):
  - Monday to Sunday: 23:00 to 03:00 (the following day)
- The provision of regulated entertainment in the form of performances of dance, live music, recorded music and anything similar (indoors):
  - Monday to Sunday: 20:00 to 02:30 (the following day)

#### **Red Sea, 85 Camberwell Road, London SE5 0EZ**, licensed for:

- The sale by retail of alcohol (both on and off sales):
  - Sunday to Thursday: 12:00 to 23:00
  - Friday: 12:00 to 00:00 (midnight)
  - Saturday: 12:00 to 02:00 (the following day)
- The provision of late night refreshment (indoors):
  - Friday: 23:00 to 00:00 (midnight)
  - Saturday: 23:00 to 02:00 (the following day)

#### **Legacy Restaurant, 53 Camberwell Road, London SE5 0EZ**, licenced for:

- The sale by retail of alcohol (on sales only):
  - Monday to Thursday: 10:00 to 00:30 (the following day)
  - Friday to Sunday: 10:00 to 02:30 (the following day)

- The provision of late night refreshment (indoors):
  - Monday to Thursday: 23:00 to 00:30 (the following day)
  - Friday to Sunday: 23:00 to 02:30 (the following day)
- The provision of regulated entertainment in the form of performances of dance, live music and recorded music (indoors):
  - Monday to Thursday: 18:00 to 00:30 (the following day)
  - Friday to Sunday: 18:00 to 02:30 (the following day)

**Abokobi Ghanaian Restaurant, 33 Camberwell Road, London SE5 0EZ,** licensed for:

- The sale by retail of alcohol (both on and off sales):
  - Monday to Sunday: 12:00 to 23:30
- The provision of late night refreshment (indoors):
  - Monday to Sunday: 23:00 to 23:30

**Dallas Chicken and Ribs, 30 Camberwell Road, London SE5 0EN,** licensed for:

- The provision of late night refreshment (indoors):
  - Monday to Sunday: 23:00 to 01:00 (the following day)

**Astra Newsagents, 22 Camberwell Road, London SE5 0EN,** licensed for:

- The sale by retail of alcohol (off sales only):
  - Monday to Sunday: 06:00 to 22:00

**Costcutter Supermarket, 25 Camberwell Road, London SE5 0EZ,** licensed for:

- The sale by retail of alcohol (off sales only):
  - Monday to Sunday: 24 hours per day.

### **Southwark Council statement of licensing policy**

34. Council assembly approved Southwark's statement of licensing policy 2021-2026 received assent on 25 November 2020 and came into effect on 1 January 2021. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:

- Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications



- Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
  - Section 6 – Local cumulative impact policies. This sets out this authority’s approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
  - Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
  - Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
  - Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective.
  - Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
  - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
35. 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.
36. Members should take into consideration both the Southwark statement of licensing policy and the Section 182 Guidance when making decisions. Links are below.

Southwark policy:

<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

Section 182 Guidance:

[Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/281202/Revised_guidance_issued_under_section_182_of_Licensing_Act_2003_-_GOV.UK.pdf)

### **Cumulative impact area (CIA)**

37. Within Southwark's statement of licensing policy, the premises is outside of a cumulative impact area and in a residential area. Under the Southwark statement of licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for this categories of premises indicated:
- Closing time for restaurants and cafes: 23:00 daily
  - Closing time for public houses: 23:00 daily
  - Closing time for night clubs (with 'sui generis' planning classification): these are not considered appropriate for this area.

### **Climate change implications**

38. Following council assembly on 14 July 2021, the council is committed to considering the climate change implications of any decisions.
39. Climate change is not a legal factor in the consideration of a grant of a premises license under the current licensing objectives, however members can make enquiries and request an agreement from applicants to promote the reduction of the impact of climate change that may be caused by the operation of the premises.
40. Examples of such an agreement may be:
- Not use single use plastics, such as disposable plastic glasses, when selling alcohol at the premises.
  - Encourage patrons not to drive to venues by providing details of public transport on their webpages/tickets.
41. The council's climate change strategy is available at:

<https://www.southwark.gov.uk/assets/attach/48607/Climate-Change-Strategy-July-2021-.pdf>

### **Community, equalities (including socio-economic) and health impacts**

#### **Community impact statement**

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

#### **Equalities (including socio-economic) impact statement**

43. This report does not result in a policy decision and each application is required to be considered upon its own individual merits with all relevant matters taken into account. In considering the recommendations of this report, due regard must be given to the public sector equality duty set out in section 149 of the Equality Act 2010. This requires the council to consider all individuals when carrying out its functions.
44. Importantly, the council must have due regard to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct; advance

equality of opportunity and foster good relations between people with protected characteristics and those who do not. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The public sector equality duty also applies to marriage and civil partnership, but only in relation to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct.

45. The equalities impact statement for licensing decisions is contained within the Southwark Statement of Licensing Policy 2021 – 2026 at:

<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>.

### **Health impact statement**

46. Health impacts cannot be considered by law when making decisions under the Licensing Act 2003.

### **Resource implications**

47. There is no fee associated with this type of application.

### **Consultations**

48. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Assistant Chief Executive, Governance and Assurance**

49. The sub-committee is asked to determine, under Section 51 of the Licensing Act 2003, following 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 any other person 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.
50. The principles, which sub-committee members must apply, are set out below.

### **Principles for making the determination**

51. Under Section 52 the licensing authority must hold a hearing to determine the review and any relevant representations.
52. 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.

53. 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 appropriate 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.
54. 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 another person within the prescribed period
  - Have not been withdrawn
  - If made by another person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.
55. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
56. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.
57. 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 an appropriate and proportionate response.
58. It is of particular importance that any detrimental financial impact that may result from a licensing authority’s decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

## **Reasons**

59. 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

60. 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.
61. 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

62. 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.
63. 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.

64. 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.
65. 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.
66. 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.
67. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities.
68. 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.
69. Other persons, 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**

70. Members are required to have regard to the Home Office 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.

## Strategic Director of Finance

71. 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 Home Office Revised Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	Southwark Licensing, C/o Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Kirty Read Phone number: 020 7525 5748

### APPENDICES

No.	Title
Appendix A	Copy of the review application and supporting documentation
Appendix B	Representation from responsible authorities
Appendix C	Representations from other persons supporting the review
Appendix D	Representations from other persons supporting the premises
Appendix E	Copy of the current premises licence
Appendix F	Copy of decision notice from 8 September 2014
Appendix G	Additional statement from the applicant's tenants
Appendix H	Acoustic report
Appendix I	An additional noise complaint dated 12 February 2023
Appendix J	Map of local area

## AUDIT TRAIL

<b>Lead Officer</b>	Caroline Bruce, Strategic Director of Environment, Neighbourhoods and Growth	
<b>Report Author</b>	Andrew Heron, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	25 April 2023	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Assistant Chief Executive, Governance and Assurance	Yes	Yes
Strategic Director of Finance	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	25 April 2023	



01/06/2022

Application for a review of a premises licence or club premises certificate under the Licensing Act  
 Ref No. 1851645

Please enter the name of applicant who is applying for the review of a premises licence under section 51/  
 applying for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the  
 premises described in part 1

--	--

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Please submit the completed form to along with the payment either by cheque or postal order made payable to London Borough of Southwark and dispatch to the following address below.

Environment and Social Regeneration  
 Regulatory Services – Licensing Team  
 160 Tooley Street  
 3rd Floor Hub 1  
 PO Box 64529  
 London  
 SE1P 5LX  
 E-mail: [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)  
 Tel 020 7525 4261

Postal address of premises or club premises, or if none, ordnance survey map reference or description

Address Line 1	57-59 CAMBERWELL ROAD
Address Line 2	
Town	LONDON
County	
Post code	SE5 0EZ
Ordnance survey map reference or description	

Name of premises licence holder or club holding club premises certificate (if known)

--	--

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

--	--

I am

	1) an individual, body or business which is not a responsible authority (please read guidance note 1)
--	---

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.

Personal Details

Title	Mrs
If other, please specify	
Surname	██████████
Forenames	██████
I am 18 years old or over	Yes

Current Address

Address Line 1	████████████████████
Address Line 2	
Town	██████
County	
Post code	██████

Contact Details

Daytime contact telephone number	██████████
E-mail address (optional)	████████████████████

Would you like to add a second applicant?

	No
--	----

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

	Please select one or more as appropriate
	1) the prevention of crime and disorder 2) public safety 3) the prevention of public nuisance

Please state the ground(s) for review (please read guidance note 2)

	<p>continued noise on weekends not only in our places of home but on Walworth Road                  The noise has become so unbearable that I often have to move out on weekend nights as I cannot sleep through it                  The noise has prevented me from renting my flat for market rate                  The presence of the nightclub has prevented me from selling my flat to a buyer that requires a mortgage, as lenders now do not want to take the risk of lending above a nightclub (the reason we want to sell is due to the nightclub)                  Antisocial behaviour including fights breaking out in the street most weekends                  As a young female, I feel very unsafe to attempt to stop said antisocial behaviour and fights                  We wake up to find smashed bottles, litter, defecation on our entrance way on most weekends                  There is a safety threat on our cars which are parked outside - we frequently see smashed wing mirrors and windscreens which we assume is a result of drink-driving from club-goers                  There is often rubbish dumped in the entrance alleyway                  The nightclub hugely affects our community - the quality of our living, ability to sleep</p>
--	---

Please provide as much information as possible to support the application (please read guidance note 3)

	<p>I would like to emphasis the distress, increase in crime, loss in earnings and future earnings and impact on mental health that this ongoing issue has caused. The issue is not with the length of the license per say but the nightclub license itself. Therefore, I do not think the issues will be resolved by changing the licence to stop at 3am rather than 5am for example. I would like the licence to be revoked in its entirety.</p>
--	---

Notes for Guidance

- 2. The ground(s) for review must be based on one of the licensing objectives.
- 3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.

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

	No
--	----

If yes, please state the date of the application

--	--

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

	<p>Multiple calls to the noise compliants team - often with no answer from them                  Escalation to local MPs                  Discussions with the nightclub owner</p>
--	--

Checklist

	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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON CONVICTION TO A FINE OF ANY AMOUNT

Declaration (please read guidance note 5)

Applicant Full Name	[REDACTED]
Applicant or Applicant's solicitor or other duly authorised agent	
Date	01/06/2022
Capacity	resident

Notes for guidance

5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Full name	[REDACTED]
-----------	------------

Address (please read guidance note 6)

Address Line 1	[REDACTED]
Address Line 2	
Town	[REDACTED]
County	
Postcode	[REDACTED]
Telephone number (if any)	[REDACTED]
Email	a [REDACTED]

Notes for Guidance

6. This is the address which we shall use to correspond with you about this application.

**From:** [REDACTED]  
**Sent:** Monday, July 11, 2022 9:48 AM  
**To:** Heron, Andrew <Andrew.Heron@southwark.gov.uk>  
**Subject:** Re: Premises Licence Review

Dear Mr Heron

Thank you for the update.

Just to explain, I am in frequent contact with Enri the nightclub owner to check the days that the nightclub is on (as unfortunately we try to move out on those nights and stay elsewhere). Copies of communication attached for reference and full transparency.

Would other residents be able to join the hearing on 2nd august?

Please may I clarify - are the three Responsible Authorities, namely the Police, Licensing and Environmental Protection, supporting the application to revoke the licence or supporting the continuation of the licence and club?

Lastly please find attached evidence of drug use occurring behind the nightclub after it was on this Saturday night.

Look forward to speaking at the hearing.

Best regards

[REDACTED]



09:44



Connecting...

[Missed voice call at 20:16](#)

Nightclub turned on disappearing messages. All new messages will disappear from this chat 24 hours after they're sent. Tap to change

You turned off disappearing messages. Tap to change

Thu 30 Jun

Hey [redacted]! Is the nightclub on both days this weekend? 12:23 ✓✓

Friday

Hello [redacted] - just checking if the club is both nights this weekend? 18:08 ✓✓

Nightclub turned on disappearing messages. All new messages will disappear from this chat 90 days after they're sent. Tap to change

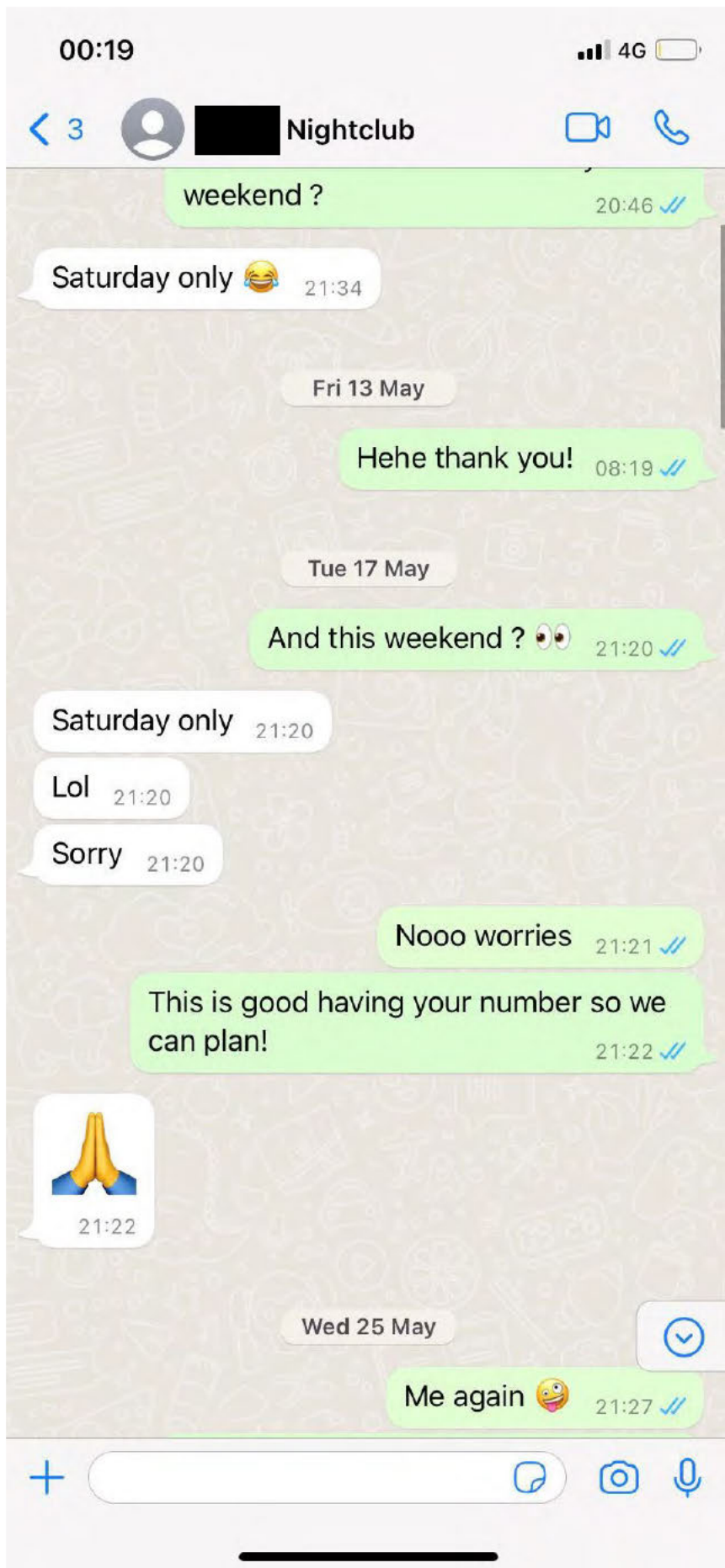
**You**  
Hello [redacted] just checking if the club is both nights this weekend?  
Sorry only Saturday 18:18

Thank you!! 18:27 ✓✓



[Text input field]







00:19

4G

< 3



Nightclub



21:22

Wed 25 May

Me again 😊 21:27 ✓✓

Friday and sat this weekend ? 21:27 ✓✓

lol 😂 Saturday 21:29

Only 21:29

Bank holiday am doing 3 nights sorry 21:30

Ok no probs ! 21:30 ✓✓

Thanks for letting us know 21:30 ✓✓

And still let me know if you wanna buy the flat ! 21:31 ✓✓

When are you coming again with your beautiful friend? 21:31

You

And still let me know if you wanna buy the flat !

Deffo 21:31



[Text input field]



I would like to start by apologising that I am not able to attend this hearing in person, [REDACTED] [REDACTED] Unfortunately, since the original hearing (which had been adjourned three times and I had attended each time), the antisocial noise of L'Estacion has forced us to leave our home in Camberwell. We could not continue to move out of our home every weekend that the nightclub was on, as we had been doing.

Whilst I understand the legalities behind holding this hearing again in person, it is with such regret that the timing at this important phase in my life has not allowed me to attend in person.

I do hope that today's hearing goes ahead as planned so that no other residents' lives are impacted as greatly as my family's has been, both mentally and financially.

I shall ask that my application is taken as read so I would just like to make three points as follows.

**Firstly**, a clarification. I would like to draw your attention to the location of each representative that has submitted a support to the application as included in Appendix D:

- Person 1) is from a barbershop on, some distance away from the premises and which does not operate at the times that the nightclub is on.
- Person 2) is from a furniture store next door to the nightclub that is not open at times of nightclub.
- I would like to flag a possible misrepresentation included in the meeting pack relating to a letter from anonymous who claims to live above the nightclub. Please may it be confirmed that the Council have verified the address of the individual making these claims as I personally know all my neighbours, including in the flat directly above the nightclub, and do not recognise the views of this neighbour. I ask that the validity of this person's address is verified before it is taken into account as a support for the continuation of the licence.

**Secondly**, I would like to confirm that the nightclub operates music until 5am when open, a breach of its licence which I believe is currently to end at 4:30am

**Thirdly**, Enri, the nightclub owner, has communicated to me that, upon my submission of the licencing review, he has undertaken substantial sound proofing of the club. However, I can confirm that the noise levels remain unbearable and we are unable to sleep when the club is on. The music is hugely amplified at exactly 3am each morning despite me asking Enri multiple times to avoid doing this.

I have invited Enri to visit the flat (which is three floors above the nightclub) to witness the level of noise pollution to himself understand the issues we face, he has never taken me up on this suggestion.

After years of complaints directly to Enri and a cordial relationship, I discovered that making a licencing application review was an option as Enri had called me asking him to support a prior application which had later been withdrawn. On finding out that this was an option, I thought it was the best solution to improve our lives and the level of disturbance we have faced for over 5 years.

Since the virtual hearing in October 2022, Enri contacted me on 2 February 2023 (four months later) to request that I allow a sound engineer into my flat "to measure the sound level as a way of solving the problem". I would like to re-state, as mentioned at the virtual hearing, that I do not believe that a sound engineer / sound proofing is going to solve the issue of the antisocial noise and behaviour generated by the nightclub and had not agreed to this as a solution at the virtual hearing. The only solution in my view is to have the nightclub's licence removed. However, I am happy to allow Enri to

visit the flat for him to witness the noise and nuisance we face, as I had invited him to do over a year ago.

Thank you Committee for hearing my application and for considering the impact of the nightclub on the lives, mental health, livelihood, and fundamental happiness of multiple people that live in this predominantly residential area.

██████████

**POLICE**

The Licensing Unit  
Floor 3  
160 Tooley Street  
London  
SE1 2QH

**Metropolitan Police Service**  
**Licensing Office**  
Southwark Police Station,  
323 Borough High Street,  
LONDON,  
SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

**Our reference:** MD/21/106/22

**Date:** 6<sup>th</sup> July 2022

Dear Sir/Madam

**Re:- 57-59 Camberwell Road, London SE5 0EZ**

Police are in possession of an application for a review of the above premises licence in relation to the following licensing objectives.

The prevention of crime and disorder, public safety, the prevention of public nuisance

The application provides details of the concerns they have with regard to the operation of the premises, the continued noise and nuisance disturbance caused by patrons most weekends and allegations of potential crime and disorder associated with the premises.

The police have the following comment to make in relation to this application to review the premises licence.

I have carried out searches on the police intelligence and recording systems and found the following in the last three years.

An inspection was carried out on the 12<sup>th</sup> June 2022 and as a result the premises was issued with a notification of offences (see attached) for breaches of the premises licence.

In May 2021 a complaint was received from a local resident, I am unaware if it is the same resident that has submitted the review. The complaint is about fighting in the street, shouting and crowds of people causing disturbances.

On the 18<sup>th</sup> September 2020 police officers attended the premises and found that the premises was operating in breach of the Covid regulations in force at the time.  
(Statement attached)

Two crime reports for Common Assault have been reported associated with people either at or outside the premises. The first in June 2020 and the second in January 2022.

I found a number of calls and incidents in the locality of the premises but could not directly link them to the operation of 57-59 Camberwell Road as a number of premises operate in the area.

This is submitted for the information of the licensing subcommittee.

The Following is submitted for your consideration.

Yours Sincerely

**PC Graham White 2288AS**

Southwark Police Licensing Unit

Tel: 0207 232 6756

**WITNESS STATEMENT**

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

**Statement of** Mark Lynch Pc 2246AS ..... URN: 

--	--	--	--

Age if under 18 Over 18 ..... (if over 18 insert 'over 18') Occupation: Police Officer .....

This statement (consisting of: ..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: ..... Date: 24/09/2020.....

Tick if witness evidence is visually recorded  (supply witness details on rear)

On Friday 18<sup>th</sup> September 2020 I was on duty in plain clothes in the company of Pc Ducker 2494AS, we are attached to the Night Time Economy team and my duties were to visit licensed premises to ensure that they are complying with their premises licence and current Health Protection Regulations 2020. At 0103hrs we visited a venue by the name of SOUTHBANK nightclub 57-59 Basement Camberwell Road SE5 0EZ, as we entered the venue and walked down the stairs there was loud amplified music coming from the basement, on reaching the bottom and walking into the club area there were at least 2 people dancing on a dance floor area and there were also flashing coloured lights and a DJ operating from a small booth area. We walked through the venue and noted groups of males and females sat together and some tables were intermingling. We requested to speak to the manager and were joined by [REDACTED], we attempted to speak to him however the music level was so high that we had to shout so we asked him to join us outside. We all went outside and we informed [REDACTED] that he cannot operate as a nightclub due to current covid legislation and that even if operating as a pub or bar there are restrictions as to amplified music and social distancing to which he stated he understood, he was advised that he cannot operate as a night club and that if he continued to do so he would be issued with a prohibition notice. [REDACTED] took on board the advice and we left the venue.

Signature: ..... Signature witnessed by: .....

**Witness contact details**

Home address: .....  
..... Postcode: .....  
Home telephone number ..... Work telephone number .....  
Mobile/pager number ..... Email address: .....  
Preferred means of contact: .....  
Male / Female (delete as applicable) Date and place of birth: .....  
Former name: ..... Ethnicity Code (16+1): ..... Religion/belief: .....

**Dates of witness non-availability** .....  
.....

**Witness care**

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?  
Yes / No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

**Witness Consent (for witness completion)**

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes  No
- b) I have been given the Victim Personal Statement leaflet Yes  No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes  No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes  No  N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes  No  N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes  No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: ..... Print name: .....  
Signature of parent/guardian/appropriate adult: ..... Print name: .....  
Address and telephone number if different from above: .....

Statement taken by (print name): ..... Station: .....

Time and place statement taken: .....



**METROPOLITAN  
POLICE**

0207 232 6756

Book 694

Police Copy

# Notification of alleged offences under the Licensing Act 2003

Venue Name: ESTACION (SOUTH BANK NIGHTCLUB) REF: (CAD/CRIS etc.) .....

Address: 57-59 ARBONATE ROAD .....

Date: 120627 Time: 0100

Details of person in charge at the relevant time: 

DPS  Personal Licence Holder

### Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy. ✓
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y  No )
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y  No )
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y  No )
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

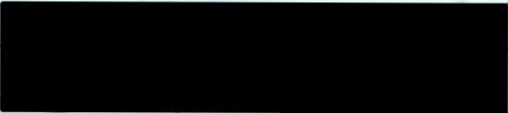
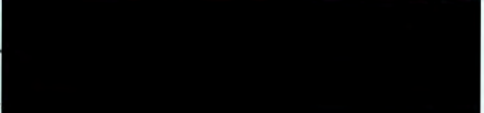
Details of alleged offence(s) including relevant Cad and Crime report details:


288-289-353 - CCTV NOT RECEIVING.

311 - NO STAFF TRAINING RECORDS.

361 - NO SIGNAGE.

367 - NO CHALLENGE 25 PSWS.

Issuing officer:  Print: 

I acknowledge receipt of this form: (venue) 

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001



**EPT****MEMO: Environmental Protection Team****To:** Southwark's Licensing Team**Date:** 06/02/2023**From:** Mark Prickett, Principal Environmental Protection Team Officer**Subject:** Southbank Nightclub t/a La Estacion, 57-59 Camberwell Road, SE5 0EZ

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Dear Licensing,

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

The content within the grounds for review are noted, with particular regard to the prevention of public nuisance licensing objective. Southwark's EPT **support** this review application. EPT have compiled various sources of evidence and information to support the review application along with a comprehensive complaint log which details complaints to both the licensing team and the Noise & Nuisance Team. A summarised time line is also provided below with relevant planning permission information and previous witnessed statutory nuisance offenses.

Please excuse that fact that the appendices do not appear in alphabetical order.

- **Premises history timeline with relevant planning permission applications and witnessed statutory nuisances**

**2000** - Planning permission was granted under planning application number 00/AP/0277 for the 'Use of the ground and lower ground floors **as a restaurant** and erection of a duct' at 57-59 Camberwell Road. A copy of the planning permission is found within Appx J.

**2013** – EPT believe Mr Uwa Enri Julius took over the management of the premises in 2013.

**2014** - Mr Uwa Enri Julius applied for a premises licence. Southwark's Licensing sub-committee decided this on 8 September 2014. Premises licence found here - <https://app.southwark.gov.uk/licensing/LicPremisesGrantedDetails.asp?systemkey=848589>

**2015** - Mr Uwa Enri Julius appointed Designated Premises Supervisor (DPS) in May 2015.

**2015** – On June 18<sup>th</sup>, Southwark Council receive a planning application to change the use of the basement to a nightclub. The planning application number was 15/AP/2396. Southwark Council's planning team **refused** this application for

nightclub use on 12th August 2015. Please find the refusal decision notice in Appx K and the planning officer's report in Appx L.

The reason for refusal is stated as follows ***“The night club use by reason of its location outside of the town centre and in close proximity to a number of residential properties is considered detrimental to neighbouring residential amenity through increased noise, disturbance and anti social behaviour at times when the area would normally be quieter. As such the proposal is contrary to the NPPF; Policy 4.7 Retail and town centre development and .Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes of the London Plan 2015 (Consolidated with Alterations since 2011); Strategic policy 13 High environmental standards of the Southwark Core Strategy 2011 and Saved policies Saved policy 1.7 Development within town and local centres, 3.1 Environmental effects, 3.2 Protection of amenity and 3.11 Efficient use of land of the Southwark Plan 2007.”***

EPT raise serious concern over that fact Mr. Julius has been operating a night club in the basement of 57-59 Camberwell Road without relevant planning consent since 2015 to the present day.

A planning enforcement investigation, reference 22/EN/02546, is currently ongoing with regards to the 'Unauthorised operation of nightclub without formal planning consent'. EPT seek the presence of planning enforcement team officer at the review hearing as an expert witness. If this is not possible then a statement from the planning enforcement team ahead of the hearing will be requested.

Southwark's Statement of Licensing Policy 2021-2026 details the need to 'ensure proper integration with the planning regime' within section 101.

**2016** – On 16 April at 01:52 an officer from Southwark's Noise & Nuisance Team (N&NT) witnessed a statutory noise nuisance caused by loud music from the 57-59 premises. On 22<sup>nd</sup> April a statutory nuisance abatement notice was served on Mr. Julius due to 'the playing of amplified music at an excessive level'. A copy of this notice can be found in Appx M.

**2018** – On 1 June at 00:15 an officer from the N&NT witnessed a contravention of the notice served in 2016. A letter dated 8 June 2018 and addressed to Mr. Julius can be found on page 4 of Appendix M.

- **EPT assessment of review application and compilation of complaints log**

In light of receiving the application to review the premises licence at 57-59 Camberwell Road, EPT have undertaken a review of the site history and associated complaints against the premises have been compiled which are viewable in a complaint log format within Appendix A.

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

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

There are x8 further appendices (B-I) which include formal warning letters from the Licensing Team, pertinent complaint information and copies of the most recent statutory nuisance notice and letters from the N&NT to Mr. Julius. These are detailed against the respective complaints within the complaint log in Appendix A.

Since February 2019, EPT have reviewed **36 complaints** associated with the operation of the premises at 57-59 Camberwell Road. The complaints are from **7 different properties**. The complaints were made to both the Noise & Nuisance Team (N&NT) and the Licensing Team (LIC). The vast majority of the complaints made allege nuisance from the premises by way of noise and several complaints also allege vibration disturbance.

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

Of the 36 complaints with Appendix A, 25 were made to the N&NT and 11 were made to LIC.

#### - **Noise Team visits**

Of the 25 complaints made to the N&NT, Noise officers visited the premises location on 13 occasions. The details from all the visits are detailed in Appendix A, however it is pertinent to detail further N&NT officer visits into the residential block and into properties which have provided evidence to substantiate a breach of condition 4A1 from premises licence number 848589, which is copied below for reference:

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

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

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

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

On Sunday 2<sup>nd</sup> October 2022, after a complaint alleging noise nuisance at 01:49, a noise officer **witnessed a statutory noise nuisance** occurring from within a complainant's property due to loud music from the operation of the night club. More information can be found within Appx G.

On Sunday 9<sup>th</sup> October 2022, after a complaint alleging noise nuisance at 02:27, a noise officer visited a residential property and the officer confirmed "I heard music".

On Sunday 16<sup>th</sup> October 2022, after a complaint alleging noise nuisance at 01:42, a noise officer visited a residential property and the officer confirmed "I could hear low level music".

On Sunday 20<sup>th</sup> November 2022, after a complaint alleging noise nuisance at 02:24, a noise officer visited a residential property and the officer confirmed "music could be heard".

On Saturday 26<sup>th</sup> November 2022, after a complaint alleging noise nuisance at 22:45, a noise officer **witnessed another statutory noise nuisance** occurring from within a complainant's property due to loud music from the operation of the night club. More information can be found within Appx H & I.

On Saturday 7<sup>th</sup> January 2023 after a complaint alleging noise nuisance at 23:31, a noise officer visited a residential property and the officer confirmed "the music was slightly amplified... on this occasion it was just audible".

On 8 separate occasions when a noise officer has entered the residential block above the premises since October 2021 they have substantiated that noise from the premises was audible. On 2 of these occasions a statutory noise nuisance was witnessed. This is not including the x2 previous witnessed statutory nuisance in 2016 & 2018.

On all of these occasions these visits substantiated a breach of condition 4A1 from premises licence number 848589 and provide strong evidence that the prevention of nuisance licencing objective has not been complied with.

- **Licensing Team visits**

Of the 11 complaints to the LIC team, 6 visits to the premises have been made by Licensing officers. Three visits were made from the Night Time Economy team (NTE) which regularly operates on Friday and Saturday evenings. On 31<sup>st</sup> May 2019, an officer met with Uwa Enri Julius to advise of the noise complaint received. On Saturday 9<sup>th</sup> November 2019 an NTE officer again met with Uwa Enri Julius to advise of the complaint and also stated that if the details of the complaint were “witnessed then this could lead to a prosecution or possibly a review of the premises licence”. The most recent visit found by the NTE team was on Saturday 14<sup>th</sup> December 2019 but the premises was closed at the time of the visit.

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

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

- **EPT further comments & reasons for supporting the review of the premises licence**

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

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

The weight and consistency of evidence provided from numerous residents over a relatively long period of time is substantiated by numerous visits by N&NT officers confirming that noise is audible with residential properties as well as x4 witnessed statutory nuisances since 2016.

A visit on 16<sup>th</sup> October also made note of police vehicles being present outside the premises between 04:15-04:59. Other complaints from residents in October 2021 reference emergency services being called to the premises at similar times when the nightclub is closing and patrons are leaving around 4am-5am in the morning. This causes EPT further concerns with public nuisance not solely being caused by internal noise levels, but also by patrons when outside the premises on Camberwell Road.

As detailed above and taking into account the information within the review application, EPT do not have confidence with premises management in complying with condition 4AI from the premises licence. Furthermore EPT have found no information regarding details of noise insulation in connection with the premises. EPT do not consider this premises to be adequately insulated to contain noise & loud audible music associated with a nightclub open until 05:00 on Saturday night and Sunday mornings. This concern is corroborated by numerous N&NT visits into the residential block when music was heard by noise officers and statutory nuisances witnessed.

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

Further to this, the premises does not have planning permission to be a nightclub and continues to operate in breach of the existing planning permission dated from 2000 only consenting restaurant use.

Should the Licensing sub-committee choose not to revoke the licence based on the weight of evidence provided, EPT then strongly recommend that the hours of operation should be brought back to 23:00 on all days. This is in line with Southwark's Statement of Licensing Policy 2016-2020 and advises that the premises location is not considered suitable for use as a nightclub and restaurants and public houses are suggested to close at 23:00 daily.

ENDS.

Mark Prickett  
Principal Environmental Protection Officer  
Environmental Protection Team  
Southwark Council

**APPENDIX A - COMPLAINT LOG – 57-59 CAMBERWELL ROAD**

<b>Date</b>	<b>Time rec'd</b>	<b>CMU ref</b>	<b>Receiving team</b>	<b>Details of complaint</b>	<b>Officer visited?</b>	<b>Notes</b>	<b>Property ref (to differentiate between complainants)</b>
<b>2023</b>							
Monday 9 <sup>th</sup> January	19:10	991934	Noise and Nuisance Team (N&NT)	Call from resident regarding weekend operation of premises	No	Complaint details "Salsa bar/ club, extremely loud music and thudding from the bass so loud my room shakes. I understand on the high street there will be noise but this is a few floors up where it is completely residential. Extremely unfair for this to be happening not just to our flat but to many others. I can hear people singing, the words, the songs but the main problem is the bass. This is every weekend from 0:00-5:00, I've had to buy many forms of plugs including industrial ear defenders and I can still hear the thudding music and can feel it in my heart."  Noise team tried to call back but no message left / no call back. No further notes.	Property C
Saturday 7 <sup>th</sup> January	23:31	991820	N&NT	"Loud music from night club."	Yes	Noise visit "Arrived 23.55hrs - The music was not loud though audible in silence 00.08hrs- the music was slightly amplified but the lyrics were blur. Salsa vol1 (edition romantica) was the music played- caught on Shazam with the complainant's phone when he stood along the hallway inside the premises. 00.11hr- the music continued. I guess over time this could become an issue but on this occasion it was just audible but the complainant alleges that he is unable to sleep in this occasion. They said they are waiting on a letter from noise officer who witnessed SNN regarding a letter they said she will write to them.  I left the complainant's flat at 00.23hrs. Traced source to la estacion 57. The manager came to meet us and I asked him to turn the volume of the music down which he did. I called the complainant at 23.52hrs and he said that he could still hear the music so I went inside the nightclub with the manager to look at the speakers. The manager, Mr Henry, showed us the two speakers which were standing and not mounted on the wall. The speakers at the back were not on. I asked him to keep the volume down as he didn't have many guests at the time. Mr Henry the owner who got the dj to reduce the volume. Left at 00.36hr"	Property A
<b>2022</b>							
Sunday 25 <sup>th</sup> December	02:44	991258	N&NT	"Tenant called to report people standing outside a club drinking and shouting, music is also too loud."	No	Noise officer called back and left voicemail. No further notes.	Property G
Monday 5 <sup>th</sup> December	14:10	990130	Licensing Team (LIC)	Complaining of late night loud music from premises from weekend previous	No	Licensing officer provided update to complainant regarding ongoing licensing review hearing.	Property D

**APPENDIX A - COMPLAINT LOG – 57-59 CAMBERWELL ROAD**

<p>Saturday 26<sup>th</sup> November</p>	<p>22:45</p>	<p>989684</p>	<p>N&amp;NT</p>	<p>"loud noise coming from a night club"</p>	<p>Yes. <b>Statutory nuisance witnessed</b></p>	<p>Noise visit = "Attended 2.41 - loud music could be heard on arrival. Outside the main entrance to complainants communal entry is right beside the fire exit from the club, pounding music escaping from the exit door.</p> <p>In complainant's property, Bass beat noticeable, music was south American style. Music continual and intrusive and would be impossible for someone to sleep. Source of noise coming from a club in the basement. Comps said they've tried to mediate with the owner "Enri" about the level of intrusion and have asked him to reduce it several times however it continues at an intrusive level. Music stayed the same intrusive level throughout my assessment. Complaints gave the name of the owner/DPS as Enri Julius</p> <p>traced Source to LA ESTACION at 2.59 - Spoke to 2 door men and requested they ask Enri to come and speak to me - South American music can be heard escaping on Camberwell Road - Enri came to speak with me, Black male, late 50s, greying hair, approx. 6ft, He was cooperative and friendly. He was surprised by my visit and said he couldn't understand how the noise was escaping as he has recently has sound proofing installed, he then proceeded to show me pics of the works, he said he was still in the process of carrying out changes to prevent the noise escaping. Enri invited me down stairs to the club, he pointed out the speakers and how they are no longer attached to the ceiling and his sound system which he alleged has a sound limiter also installed. I asked if the Sound Engineer assessed the noise from nearby premises when he set the levels, he said he did not. he said a sound engineer is coming again next week to reset the limiter. He apologised and said he didn't want to lose his business and is trying to rectify the problem. I advised that he should ensure the level is acceptable at all times until a permanent solution is carried out as he is now in breach of a noise abatement notice. I Produced my contact information and requested he email me any up and coming changes he makes, and in the meantime I will be in touch. When I asked him to confirm the premises name he said it was 'LA Estacion' "</p> <p><b>Noise officer witnessed a SNN from the above property on 27th Nov @ 2.43am.</b></p> <p>N&amp;NT letter to Mr Enri Julius dated 6<sup>th</sup> December. Please find a copy in <b>Appx H</b>. A follow up letter dated 10<sup>th</sup> January 2023 is found in <b>Appx I</b>.</p>	<p>Property <b>A</b></p>
<p>Sunday 20<sup>th</sup> November</p>	<p>02:24</p>	<p>989282</p>	<p>N&amp;NT</p>	<p>"Loud music from Nightclub under flats"</p>	<p>Yes</p>	<p>Noise Visit – "Arrive at the property, at 03.00, and we were buzzed in by the complainant. On reaching the flat, slight music could be heard however not an snn. The assessment was carried out in the bedroom, whilst both couples were present, one was standing talking to me whilst the other was in bed and distraught. whilst carrying out the assessment, the gentleman in bed kept saying "I can shazam the songs, and if he could, then it must be a nuisance, I told him that will not be true, however, he was frantically getting mad saying that, the noise team is not doing anything to help them, they both said they cannot live like this any longer, and that we must do something. To which I agree if we can witness a breach, but there was none present at the time of the visit.</p>	<p>Property <b>A</b></p>

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## APPENDIX A - COMPLAINT LOG – 57-59 CAMBERWELL ROAD

						<p>The level of music I heard at the time was not a SNN."</p> <p>EPT note that the noise officer visiting did not witness a SNN at the time of the visit, but did confirm that music was audible inside the residential bedroom.</p>	
Saturday 12 <sup>th</sup> November	23:44	988841	N&NT	"loud music coming Southbank nightclub"	No	Officer called complainant and left voicemail. No further actions.	Property <b>A</b>
Monday 31 <sup>st</sup> October	02:26	988047	N&NT	"music and bass and screaming from the premises"	Yes	<p>For info - Monday 31<sup>st</sup> October was Halloween.</p> <p>"Arr @ 02:51 hrs. Music on, visit required. Bar license allows music up to 00:00 am. No TENs found online for venue. Licence number: 848589 Music off shutters down no activity". No further notes.</p>	Property <b>G</b>
Saturday 29 <sup>th</sup> October	02:22	987927	N&NT	Loud music from premises	No	Call to Noise Team – "music playing loud currently. Repetitive music drumming sound has gotten worse the past week. People are always walking in and out talking loudly". Noise Team called back at 03:19.- no notes of call and no further notes.	Property <b>G</b>
Monday 24 <sup>th</sup> October	11:37	987620	N&NT	Resident emailing noise team regarding alleged issues. Email logged on the Monday 24 <sup>th</sup> from previous weekend's activity	No	<p>Complaint from resident – "the noise disturbance is happening currently but decided to fill a form rather than calling, as I hope that this will stop within the hour. There are two main sources of noise, the first one being repetitive bass which comes through the building rather than windows alone, any noise cancelling methods (double glazing, heavy curtains, earplugs) have been ineffective in minimising this. This is coming from La Estacion, which is I am assuming a club with permits to play music until late. How late and how loud are the details which may need some regulation, aswell as maybe keeping their doors closed.</p> <p>The second source of the noise are the visitors of La Estacion, particularly the evening of the 22/10/2022, through to the morning of 23/10/2022. Several emergency services have been called and the customers are not being controlled by the establishment as they leave the premises. Customers not leaving quietly, but staying on the road past closing time talking loudly, whistling, shouting after 5am."</p>	Property <b>G</b>
Sunday 16 <sup>th</sup> October	01:42	987150	N&NT	"loud music coming from night club Called La Estacion 57"	Yes	<p>"Tctc 03.30 hrs, complainant advised me that was still disturbed by lam, requires visit.</p> <p>Visited 04.15 hrs, it was a cold night, the area was mixed residential and commercial, no music was audible in the street. Went to complainant property and made the assessment in the main bedroom with wooden flooring and windows shut. Complainant stated that lam was reduced 15 minutes ago. I could hear low level music when standing in the middle on the bedroom but had to strain to hear it. Waited longer explaining our procedures and remits to complainant as sounded frustrated but at 04.40 hrs, music sound to be now turned off. NON advised the same to complainant and left. While outside seen two Police vehicle outside in the street along a group of people, not sure if connected with the premises in question. Left area 04.59hrs."</p>	Property <b>A</b>

## APPENDIX A - COMPLAINT LOG – 57-59 CAMBERWELL ROAD

Sunday 9 <sup>th</sup> October	02:27	986776	N&NT	"loud music and vibration from Southbank Nightclub"	Yes	"Tctc at 01.17 hrs - noise was still on. I visited comp' at 01.50 hrs, made an assessment from the bedroom fully furnished with the double glazed window close. I heard music coming from one of the adjoining properties. The level of the music wasn't loud enough to affect the average person from sleeping. I waited for about 10 minutes, and there was no change in the noise level. The complainant advised that the music was coming from Southbank Night Club at 57-59 Camberwell Road SE5. when asked how, he said he confirmed his findings when he 'Shazam' the song(South American type) being played which is always associated with the night club in question. SNN not witnessed on this occasion. We left the complainant property at 02.01 hrs."	Property <b>A</b>
Sunday 9 <sup>th</sup> October	02:25	986771	N&NT	"Loud South American music from a club"	No	"tctc at 01.21 - left a voice message advising comp' to call back if the noise was still on.	Property <b>C</b>
Sunday 2 <sup>nd</sup> October	01:49	986385	N&NT	"Loud music from South Bank nightclub"	Yes. <b>Statutory nuisance witnessed</b>	<p>"Tctc at 01.55 noise was still happening. I visited comp' at 02.30 hrs, and made an assessment from the bedroom fully furnished with the double glazed window close. I heard low frequency music coming from on the adjoining properties. The style of the music was of South American type, and was loud enough to affect the average person from sleeping. I was unable to identify the performing artist and the lyrics. The music could be heard in all rooms in the complainant's property.</p> <p>At 02.30 hrs, the level of the music became much louder, and I felt a vibration when I touched the door leading to the bedroom. The style and the high level of the music was maintained throughout the duration of the assessment without any breaks. There was no room to escape from the said noise. I therefore deemed the noise (LAM) level to constitute an SNN in my opinion at 02.42 hrs. I left comp's property at 02.42 hrs.</p> <p>I traced the source address to 57-59 Camberwell Road SE5, also known as Southbank Night Club. I requested and spoke with the DPS about the level of the music and its effect local residents. He told me his name was Enri Julius, and immediately went back and turned the music down. He was an IC3 male in his 50s, slim build, approximately 6'0".</p> <p>As per an earlier agreement I had with the complainant, I re-visited his property at 02.48 hrs to check if there had been any attenuation in the noise level. I confirmed that the level of the music had been reduced. I made comp' aware that I will be taking a formal action against the person(s) responsible. I left his property at 02.50 hrs."</p> <p>A copy of the statutory nuisance notice is included in <b>Appendix G.</b></p>	Property <b>A</b>
Saturday 4 <sup>th</sup> June	00:03	977940	N&NT	"Loud music Southbank night club 57-59 Camberwell Road SE5 0EZ"	Yes	Noise officer visit notes: "Sam LAM and I arrived on site at the 57 Camberwell Road. I was unable to approach the client's front door without drawing attention to the client due to the amount of people (patrons) from the bars standing outside (a) 57 – 59 Camberwell Road & (b) 53 Camberwell Road without identifying the client as a complainant making reports about local venues to Southwark. For the client's personal confidentiality to remain and their safety I decided it was best not to approach the client directly at their door and went directly to the noise source. The	Property <b>A</b>

## APPENDIX A - COMPLAINT LOG – 57-59 CAMBERWELL ROAD

						<p>noise source witnessed from the street was not as reported but was the low level noise breakout noise (amplified music) from Ibb's a small bar located at 53 Camberwell Road, a few doors away from the reported alleged noise source. Whenever the patrons from the bar (Ibbs Bar No.53. Camberwell Road.) opened the door to exit the venue to smoke etc. the music level would increase. I repeatedly witnessed multiple patrons entering and leaving the venue in short succession.</p> <p>I approached the Ibbs bar and spoke to the manager/owner who produced a copy of their Alcohol license, detailing their operational times. The manager/owner took SAM and I on a peripheral tour of the entire block around the building to assess the noise from both his venue and 57 – 59 Camberwell Road, I was unable to hear any music from the rear or the venue standing at the back of 57 – 59 Camberwell Road or 53 Camberwell Road. The owner/manager of IBBS bar said to me during our visit that he had been visited that night (3rd June 2022) by my colleague from the Noise Nuisance Team. When I asked him to describe the officers he roughly described Robin &amp; Pak. I left the area satisfied that the level of music from the venue reported as causing a nuisance was not doing do (57 – 59 Camberwell Road). I left the area satisfied that the venue where I had heard noise breakouts had reduce the level of their music.”</p>	
Saturday 28 <sup>th</sup> May	23:50	977580	N&NT	“Resident reported loud music coming from Estacion Club”	No	Left a voicemail for customer	Property A
Saturday 30 <sup>th</sup> April	08:38	975736	N&NT	“Loud music and vibration from the Night club”	No	No actions from N&NT officers on case	Property A
Monday 28 <sup>th</sup> March	16:30	973635	LIC	Complaint to LIC team of public nuisance	Yes. LIC officer. 30 <sup>th</sup> April	Warning letter sent to premises DPS on 19 <sup>th</sup> July. Copy of warning letter in <b>Appendix B.</b>	Property B
<b>2021</b>							
Monday 29 <sup>th</sup> November	07:33	967217	LIC	N&NT passing over information of below complaint (967180) to LIC team	No	<p>Email from N&amp;NT officer to LIC officer.</p> <p>Property B resident “called to report La Estacion located at 57 Camberwell Road from which loud music was being played and transferred into property. <b>I visited earlier today and can understand how this music level can disturb a person especially when disturbed repeatedly over days.</b></p> <p>I walked by La Estacion and noticed that the single glass door at the front entrance was left wide open. I asked the security man about this and he replied that the door is left open but the inner access door is kept shut.</p> <p>As a licensed premises please will you look at this premises? I am unsure whether there is adequate sound proofing inside the premises or whether the premises is complying with the granted licence.”</p>	Property C
Sunday 28 <sup>th</sup> November	02:15	967180	N&NT	“Customer is reporting loud music coming from the night club directly below customer on 57 Camberwell Road”	Yes	Noise officer visit notes: “Arrived at 4.15am. Observations made from the sole bedroom in the premises which is two levels above the nightclub and is separated from the nightclub via another set of flats on the level directly below the complainant's but within the same building block. Access inside the building block is on Boundary Lane.	Property C

**APPENDIX A - COMPLAINT LOG – 57-59 CAMBERWELL ROAD**

						<p>The music was audible inside the bedroom but at a normal blurred level. I believe the wife was asleep but she did wake up and say something while the assessment was going on. I was not familiar with the lyrics I heard. The complainant alleged that the music was coming from Iestacion 57 which appears to be above the concerned premises when facing the main road and stood in the office room. <b>The music in the bedroom would be deemed intrusive if ongoing repeatedly as it is audible and can become an issue.</b> I will refer this to licensing and explained this to the complainant.</p> <p>The complainant moved in 2020 to join his wife who moved in 2017 and this was an issue pre lockdown but it got quiet during the lockdown because of the restrictions. I was unable to pick the lyrics even with Shazam</p> <p>There were two security men on passing by the premises to go into the complainants premises but on my return there was just one security man at 4.39am. I noticed that the front glass door was wide open. I asked him whether it was common to leave this door open to which he replied that yes as the second door located at the basement level access into the club was usually kept shut. Will refer to licensing as <b>the club appears not to suitably sound proofed</b></p>	
Sunday 31 <sup>st</sup> October	01:44	965382	N&NT	“Resident reporting night club playing loud music night club called La Estacion”	No	“Telephone call made @ 02:22 – VM message left”	Property C
Saturday 16 <sup>th</sup> October	00:53	964439	N&NT	“Complainant said he calls every weekend to report this premises and asked what he can do to which I replied that he makes a representation to the licensing team. As he reported LAM and vibrations, I arranged a visit”	Yes	<p>Noise officer visit notes: “I arrived but did not find the music excessive. It was audible by virtue of one standing in front of the premises but there was a security man inside manning the glass door. I was unable to tell how this music level affects the complainant. I saw two people standing in front but there was no speech or amplified voice. NFA”</p> <p>To note – no visit to the resident’s property or inside residential block. Visit was only to premises front on Camberwell Road.</p>	Property A
Sunday 10 <sup>th</sup> October	01:28	964042	N&NT	“Music and noise every weekend”	Yes	<p>Noise officer visit notes: “Arrived and assessed from outside at 3.15hrs. music could be heard when assessing directly at the front doors of the club but rapidly faded as I walked away, barely audibly 10-15m from the front entrance.</p> <p>Also assessed from as close to the complainants premises as possible, the music was faint and barely audible, I called the complainant to update him, he let me into the entrance of the communal area, <b>the music was louder in the communal area</b> but not loud enough at this time to be considered a stat nuisance.</p> <p>Advised complainant to keep using the service.”</p>	Property C
Sunday 3 <sup>rd</sup> October	01:29	963497	N&NT	“South bank nightclub is playing loud music”	Yes	<p>Noise officer visit notes: “Tctc at 02,16 noise was still on. I visited 57 &amp; 59 Camberwell Road SE5 at 02.25 hrs, and heard music coming from No.59. The level of the music wasn’t loud</p>	Property A

## APPENDIX A - COMPLAINT LOG – 57-59 CAMBERWELL ROAD

						<p>enough for a formal action to be taken. I waited in the area for about 5 minutes, and the situation remained the same. I left the area at 02.30 hrs.”</p> <p>Noise officer did not visit complainant's property to assess.</p>	
Monday 27 <sup>th</sup> September	16:27	963071	LIC	Detailed complaint from resident. See <b>Appendix C</b> for copy of emails detailing alleged nuisance.	Yes	Licensing officer visited on 6 <sup>th</sup> November. Notes from this visit have been requested and if received will be submitted as soon as possible.	Property <b>A</b>
Sunday 26 <sup>th</sup> September	01:55	962934	N&NT	“57 Camberwell Road - Loud music”	No	Noise officer linked complaint to 962914.	Property <b>A</b>
Saturday 25 <sup>th</sup> September	23:59	962914	N&NT	“Tenant states loud music from CAMBERWELL ROAD”	Yes	“Noise Visit 2:18 on 26 <sup>th</sup> September. No music was heard at the back where the comp indicated. I went inside and asked the DPS if they have any windows or doors open at the back. He told me that the new management of Tasty Food is doing some refurbishment work above the club and he witnessed that the worker has removed some of the noise insulation panels. In his opinion this help for the noise to travel to the flats above.”	Property <b>A</b>
Monday 20 <sup>th</sup> September	14:02	962403	N&NT	<p>“Loud noise and vibration audible from the back of the building (in the alley just off boundary lane); also inside my flat on the night of the 18<sup>th</sup> September The noise was so loud that I was unable to sleep and when I did manage to (briefly) it got louder.</p> <p>The noise was between 11pm past 4.30AM (on 19th Sep tember).</p> <p>Furthermore, there were many people gathered outside and around the nightclub that were shouting and making noise until around 5.30AM. I believe that the noise and vibrations are in breach of the terms of the licence and wish to formally raise this as a concern that should</p>	No	<p>N&amp;NT Team Leader made telephone call to complainant “exp current sit”.</p> <p>The complaint was made on a Monday after the alleged nuisance took place over the weekend of Sat 18<sup>th</sup> &amp; Sun 19<sup>th</sup> September.</p>	Property <b>A</b>

## APPENDIX A - COMPLAINT LOG – 57-59 CAMBERWELL ROAD

				be investigated and acted upon.”			
Monday 5 <sup>th</sup> July	17:16	955641	LIC	Please see emails from complainant in <b>Appendix D</b> .	Yes	Licensing officer visited on 15 <sup>th</sup> July 2021. Notes as follows:  “Attended premises with PC Ducker and met with LH to discuss allegations that premises is operating as a nightclub. Uwa Julius (LH) admitted that he was operating and that his customers were allocated to their tables but were only dancing in that area not on the dancefloor.  I asked to check the CCTV, the CCTV was not working as it had last year's date 2020 on it and had not been maintained.  I informed Mr Julius that a warning letter will be sent out for the breach of his licence condition and i will note that he breached Covid 19 restrictions on allowing his customers to dance within in the venue.  PC Ducker and I warned Mr Julius to get his CCTV to work correctly before he opens again. ACTION: WARNING LETTET TO BE SENT OUT.”  Copy of warning letter in <b>Appendix E</b> .	Property <b>D</b>
<b>2020</b>							
Thursday 3 <sup>rd</sup> September	14:49	934463	LIC	Complaint to LIC team	No	Complaint details: “Last year we were in email correspondence about a club called SouthBank nightclub / Estacion 57.  Since lockdown forced clubs to close earlier in the year we have had several months of peace which has been incredible, but last night we were shocked to see the club was reopening.  We assumed that with restrictions around social distancing that a club like this would not be able to operate as usual, given a nightclub with a 5am licence is unlikely to have any sober people capable of adhering to rules. But sadly there appears to be no change to BAU and as we speak there are crowds outside yelling, as usual. They have been doing this since 3am at least.  We have also recently met a few of our neighbours who told us that not only is this a major disturbance to them (unsurprising given the volume of yelling), but that complaints have been made for years. Late last year I found a number of historical complaints and the resolution from the council was that the club would need to adhere to the noise disturbance rules, but there is no evidence of even attempts to do this.  If the owners of this club are unwilling or unable to keep their customers under control, then they should not be able to have a licence, least of all during a pandemic.”	Property <b>B</b>
<b>2019</b>							

## APPENDIX A - COMPLAINT LOG – 57-59 CAMBERWELL ROAD

Thursday 5 <sup>th</sup> December	15:06	915906	LIC	Complaint to LIC team	No	<p>Complaint details “I am writing to make a complaint about the bar La Estación 57, 57 Camberwell Road SE5 0EZ. I live very near this property and it regularly has problems with antisocial behaviour including:</p> <ul style="list-style-type: none"> <li>• Patrons very rowdy and loud outside on Camberwell road while smoking.</li> <li>• Patrons leaving the premises very early in the morning and shouting very loudly often for a period of around 30 minutes to an hour. I have regularly observed people leaving the premises, buying alcohol and continuing to drink outside on Camberwell Road after the bar has closed, usually at around 530am. This occurs on Saturday, Sunday and even occasionally on Monday mornings.</li> <li>• Patrons arguing and physically fighting on Camberwell Road, immediately after the bar has closed. I have witnessed many violent incidents including one instance where a man attempted to use his own belt as a weapon and another instance where a man physically assaulted a woman. It is very common to see police responding to incidents outside of La Estación 57.</li> </ul> <p>La Estación 57 is regularly a nuisance to myself and other neighbours, waking us up early in the morning and making it difficult to sleep while loud verbal and physical fights are happening on the street. Beyond being a noise nuisance however, it is my opinion that La Estación 57 has a negative impact on our local community because it's late-night alcohol consumption is certainly a factor in why fights occurring outside are so common.”</p>	Property E
Monday 2 <sup>nd</sup> December	09:05	915722	LIC	Complaint to LIC team	No	<p>Complaint details: “I am writing to make a complaint about the bar La Estación 57, 57 Camberwell Road SE5 0EZ. I live near this property.</p> <p>Last night, Sunday 01/12/19 the bar was open until approximately 5:30am Monday 02/12/19. Customers leaving the premises were shouting very loudly from around 4:30am and appeared very intoxicated. There was an incident around 530am that required multiple police officers.</p> <p>This is against the licensable activities and conditions for these premises which state that on a Sunday:</p> <ul style="list-style-type: none"> <li>• Opening hours 10:00-00:30</li> <li>• Entertainment similar to live/recorded music is permitted between 10:000 and 00:00.</li> <li>• Sale by retail of alcohol to be consumed on premises between 10:00 and 00:00</li> </ul> <p>Furthermore, other conditions broken include • 348- That there shall be no more than 5 persons permitted outside on the frontage to smoke only.</p> <p>Unfortunately, this is far from the first time that La Estación 57 has caused us problems as neighbours. Almost every Friday and Saturday there are too many people outside on the road, shouting loudly, loud physical fights between patrons as they leave the premises and patrons remaining outside of the premises up to two hours after it is closed, drinking on the street and shouting.</p>	Property E

**APPENDIX A - COMPLAINT LOG – 57-59 CAMBERWELL ROAD**

						<p>Beyond inconveniencing myself and other neighbours, it is my opinion that La Estación 57 is a public nuisance and the cause of much antisocial behaviour in our neighbourhood. I have personally witnessed many physical fights outside of the premises, including one instance where a man removed his belt to use as a weapon and another instance where a man physically assaulted a woman.</p> <p>It is my strong opinion that Southwark council should investigate La Estación 57 and consider ending it's license to sell alcohol."</p>	
Monday 2 <sup>nd</sup> December	09:05	915636	LIC	Complaint to LIC team	Yes	<p>Complaint details: "I would like to put in a complaint regarding the small club that is next door to golazio on Walworth road, previously south bank bar and kitchen.</p> <p>From 12pm last night on a Sunday there were crowds of people outside (around 20-30) I personally don't feel this is okay in a close neighbourhood area. The crowd was so noisy to the point it woke me up. And it took a long time for them to enter the building.</p> <p>This continued with around 240am drunk women screaming in the street and I could see that the doors were not kept closed and 2 bouncers there.</p> <p>There were bouncers but I personally think it's disgusting this club is aloud to be there and there was no control or consideration for the local residents.</p> <p>At 5:10 there were men shouting, the sounds of people fighting and again drunk women. It woke both myself and I could hear my neighbour on flat 2 wake up. It felt unsafe and I have double glazed windows with noise protection and it still woke me up.</p> <p>To say that it's a Monday morning as well the next day I don't see how this is fair for this to be happening. I have had a really restless night and it's safe to say that as a home owner it made me have thoughts of I hate where I live. When there's so many good things happening in this area, I would like to have this place reviewed it's licence to trade.</p> <p>Eventually it became so out of hand that the police came.</p> <p>As you know it's been an ongoing issue and I would like Southwark council to take this matter very seriously."</p> <ul style="list-style-type: none"> <li>NTE officer visited at 00:15 on Saturday 14<sup>th</sup> December "Compliance Visit. Premises closed and non-operational ATOV."</li> </ul>	Property D
Sunday 27 <sup>th</sup> October	17:01	913472	LIC	Please see emails from complainant in <b>Appendix F.</b>	Yes	<p>Southwark's Night Time Economy Team visited at 00:46 on Saturday 9<sup>th</sup> November. "Advised Premises licence holder Mr Uwa Enri Julius ██████████ that this was just an allegation at this stage however if activity of this nature was witnessed then this could lead to a prosecution or possibly a review of the premises licence.</p>	Property B



## APPENDIX A - COMPLAINT LOG – 57-59 CAMBERWELL ROAD

						<p>Advised by premises licence holder that no issues have occurred at his premises and advised that he believed the complaints received were malicious.</p> <p>I have advised that the premises will be monitored and that visits to the premises may be in the form of announced and unannounced visits to his premises.”</p>	
Tuesday 28 <sup>th</sup> May	07:45	901733	LIC	Email from complainant in Appendix F (Sunday 26 <sup>th</sup> May email).	Yes	<p>NTE visit at 23:00 on 31<sup>st</sup> May 2019</p> <p>“NTE visit to premises, met Enri Julius - manager/owner and also head of security.</p> <p>Advised of complaint, be careful at egress. Advised that there had been a party by an external promoter the weekend before (LA Estacion 57) - said that he did have issues with them and won't be having them back.”</p>	Property B
Friday 15 <sup>th</sup> February	23:59	895516	N&NT	“Loud music from downstairs”. Location confirmed as nightclub.	No	N&NT officer called customer, but no further action taken.	Property F

# APPENDIX B



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

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

19 July 2022

Dear Mr Uwa Enri Julius,

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

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

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

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

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

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

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

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

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

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

A person commits an offence if -

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

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

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

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

Yours sincerely,

*Justin Williams*

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

licensing@southwark.co.uk

## APPENDIX C

**Complaint: 963071.**

**Date of complaint rec'd: Monday 27<sup>th</sup> September 2021.**

**Emails from PROPERTY A as follows:**

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

To: licensing@southwark.gov.uk

"Dear sir/madam,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- - - - -

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

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

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

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

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

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

Kind regards,

## APPENDIX D

**Complaint: 955641.**

**Date of complaint rec'd: Monday 5<sup>th</sup> July 2021.**

**Emails from PROPERTY D as follows:**

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

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

I have a few questions about what can be done:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



<b>APPENDIX E</b>
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Southbank nightclub  
57-59 Camberwell Road  
London  
SE5 0EZ

Licensing Unit  
Direct Dial -  
Facsimile - 020 7525 5705  
Email: [Licensing@southwark.gov.uk](mailto:Licensing@southwark.gov.uk)

Ref: C/955641

15 July 2021

Dear Sir/Madam,

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

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

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

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

A person commits an offence if -

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

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

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

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

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

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

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

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

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

Yours faithfully,

## APPENDIX F

**Complaint: 913472.**

**Date of complaint rec'd: Sunday 27<sup>th</sup> October 2019.**

**Emails from PROPERTY B as follows:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



**Noise & Nuisance Team**  
**Phone - 020 7525 3171**  
**Our reference: 986385**

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

2 October 2022

Dear Mr Julius,

**RE: ENVIRONMENTAL PROTECTION ACT 1990 - SECTION 80**

**NUISANCE ADDRESS:** Southbank Nightclub, 57-59 Camberwell Road, London, SE5 0EZ

On 2 October 2022 at 01.49 hours the Council received a complaint alleging that music coming from your premises was causing a noise nuisance.

I visited in response to the complaint on 2 October 2022 at 02.30 hours and was satisfied that the music was at a level that was causing a statutory nuisance to your neighbours.

As the designated premises supervisor of this premises, you are the person responsible for any noise nuisance being caused. Please find attached, a Notice issued under the provisions of Section 80 of the Environmental Protection Act 1990.

May I also remind you that on 22 May 2016, the Council served a statutory notice requiring the abatement of noise nuisance emanating from the Southbank Nightclub. This notice was contravened on 01 June 2018, and a contravention letter was sent to you on 08 June 2018.

If the current Notice is contravened, legal action may be initiated and for every proven contravention, an unlimited fine may be imposed. The Environmental Protection Act also empowers the Council to obtain a warrant to seize all sound equipment from a premises that is the source of recurring noise nuisance.

I ask you to ensure that music from your premises is at all times kept below a level that could be a nuisance to your neighbours. As a guide to you, music from your premises should not be audible at any time outside your entrance door(s).

Yours sincerely,

Alex Quaye  
Enforcement Officer  
Noise & Nuisance Team

NOTICE REF. NO: 986385

## ENVIRONMENTAL PROTECTION ACT 1990, SECTION 80

**Abatement Notice in Respect  
of Statutory Nuisance**

To: Uwa Enri Julius

Of: Southbank Nightclub, 57-59 Camberwell Road, SE5 0EZ

**TAKE NOTICE** that under the provisions of the Environmental Protection Act 1990 the London Borough of Southwark being satisfied of the Occurrence of a statutory nuisance under section 79(1)(g) of that Act caused by noise emanating from the premises known as: Southbank Nightclub, 57-59 Camberwell Road, SE5 0EZ within the district of the said Council arising from : The playing of excessive amplified music

**HEREBY PROHIBIT** the Reoccurrence of the same and for that purpose, require you as the person responsible for the said nuisance to take all reasonable steps to ensure that:-

At any time of the day or night any live music or amplified sound is only played at the above premises at such a level that it is not likely to give rise to a nuisance in adjoining premises or in the neighbourhood.

*THIS is NOT a notice under regulation 3 (Suspension of Notices), para 2(a)(ii) of the Statutory Nuisances (Appeals) Regulations 1995, to which regulation 3 applies. In consequence, in the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court. "This is due to the nuisance witnessed, being of a limited duration, as such that a suspension of the notice would render it of no practical effect."*

**IF** without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale\*, together with a further fine of an amount equal to one-tenth of the greater of £20,000 or level 4 on the standard scale, that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to comply with the conditions in accordance with this notice, the Council may seize all the sound equipment from your premises and recover from you the necessary expenditure incurred.

Signed [REDACTED]  
Alex Quaye  
Enforcement Noise Officer  
Noise & Nuisance Team

Please address any correspondence to:

Noise & Nuisance Team  
Southwark Council  
132 Queens Road  
London SE15 2HP  
Tel: 020 7525 2450  
Fax: 020 7525 2378

**N.B.** The person served with this notice may appeal against the notice to a magistrates' court within twenty-one days (21), beginning with the date of service of the notice, under section 80(3) of The Environmental Protection Act 1990. See the Statutory Nuisances (Appeals) Regulations 1995 on the reverse of this notice.

\* Currently £20,000, subject to alteration by Order

I CERTIFY THAT THIS IS A	
Dated: 02 October 2022	
TRUE COPY OF THE NOTICE THAT	
I SERVED ON:	
Time: 20:30 HOURS	
DATE: 2-10-22	TIME: 20:30 HOURS
BY THE FOLLOWING METHOD:- VIA	
RECORDED DELIVERY AT 132	
QUEENS ROAD SE15 2HP OFFICES	
SIGNED: [REDACTED]	
PRINTED NAME	ALEX QUAYE

The Statutory Nuisance (Appeals) Regulations 1995  
Appeals under Section 80(3) of the Environmental Protection Act 1990 ('the 1990 Act')

- 2.- (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
  - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
  - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
  - (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
  - (e) where the nuisance to which the notice relates -
    - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
    - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
    - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
  - (f) that, in the case of a nuisance under section 79(1)(g) of the 1990 Act, the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of-
    - (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act"), or
    - (ii) any consent given under section 61 or 65 of the 1974 Act, or
    - (iii) any determination made under section 67 of the 1974 Act;
  - (g) that in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the schedule relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in the streets or roads),
  - (h) that the abatement notice should have been served on some person instead of the appellant, being -
    - (i) the person responsible for the nuisance, or
    - (ii) the person responsible for the vehicle, machinery or equipment, or
    - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
    - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
  - (i) that the abatement notice might lawfully have been served on some person instead of the appellant being -
    - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
    - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,
 and that it would have been equitable for it to have been so served;
  - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
    - (i) a person also responsible for the nuisance,
    - (ii) a person who is also an owner of the premises, or
    - (iii) a person who is also an occupier of the premises,
 and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in connection with any copy of the abatement notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which this regulation applies he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of an appeal the court may-
- (a) quash the abatement notice to which the appeal relates, or
  - (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
  - (c) dismiss the appeal;
- and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of appeal the court may make such order as it thinks fit-
- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
  - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above, the court-
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
  - (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

**SUSPENSION OF NOTICES**

3. (1) Where -
- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -
  - (b) either-
    - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
    - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
  - (c) either paragraph (2) does not apply, or if it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where -
- (a) the nuisance to which the abatement notice relates-
    - (i) is injurious to health, or
    - (ii) is likely to be of a limited duration such that suspension of the notice would render of no practical effect, or
  - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance,
- (3) Where paragraph (2) applies the abatement notice -
- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
  - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.



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

**Noise & Nuisance Team**  
**Phone - 020 7525 3171**  
**Our reference: 989684**

6 December 2022

Dear Mr Julius,

**RE: ENVIRONMENTAL PROTECTION ACT 1990, SECTION 80**  
**NOISE ABATEMENT NOTICE No. 986385 DATED: 2 October 2022**  
**ADDRESS: Southbank Nightclub 57-59 Camberwell Road, London, SE5 0EZ**

On 27.11.2022 at approximately 02.41 hours, I witnessed a breach of the above-mentioned statutory Notice in that I heard loud music being played from within your premises at a level that was causing a noise nuisance in neighbouring properties.

It is an offence to fail to comply with any requirements of the Notice without a reasonable excuse, so the Council is now considering whether to prosecute you for the offence of breaching the Notice. You may take this opportunity to state in writing any reasons why, despite being served with the Notice, you allowed the playing of music at a level that caused nuisance at the above-mentioned date and time. On receipt of your correspondence the Council will review your file and decide the appropriate action, which may include, but is not limited to, legal proceedings.

The offence that you may be charged with is a criminal offence and therefore I must caution you in accordance with The Police and Criminal Evidence Act Code of Practice that:

*“You are not obliged to make any response. But it may harm your defence if you do not mention something in response now, which you later rely on in Court. Anything that you say may be used in evidence. “*

Should you require an explanation as to the contents of the caution please contact our office. As an alternative to replying in writing, you may wish instead to come to the Noise Team's Office at the address below, for an interview that will be tape-recorded. If you do not respond in writing or make arrangements to attend for interview, **within 14 days** of the date of this letter, I shall assume that you have nothing to say about the matter and the Noise Team may instigate legal proceedings against you for breaching the above-mentioned Notice. You may wish to take legal advice regarding this matter.

I must warn you that any further breaches of the above-mentioned Notice being witnessed by the Noise Team may result in all of your sound equipment being seized from your premises by the Council.

Yours faithfully

Jennifer Lenihan  
 Noise and Nuisance Officer





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

**Noise & Nuisance Team**  
**Phone - 020 7525 3171**  
**Our reference: 989684**

10 January 2023

Dear Mr Julius,

**RE: ENVIRONMENTAL PROTECTION ACT 1990, SECTION 80**  
**NOISE ABATEMENT NOTICE No. Notice Ref. 986385 DATED: 02 October 2023**  
**ADDRESS: Southbank Nightclub 57-59 Camberwell Road, London, SE5 0EZ**

On 27 November 2022 approximately 02.41 hours, I witnessed a breach of the above-mentioned statutory Notice in that I heard loud music being played from within your premises at a level that was causing a noise nuisance in neighbouring properties.

It is an offence to fail to comply with any requirements of the Notice without a reasonable excuse, so the Council is now considering whether to prosecute you for the offence of breaching the Notice. You may take this opportunity to state in writing any reasons why, despite being served with the Notice, you allowed the playing of music at a level that caused nuisance at the above-mentioned date and time. On receipt of your correspondence the Council will review your file and decide the appropriate action, which may include, but is not limited to, legal proceedings.

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*"You are not obliged to make any response. But it may harm your defence if you do not mention something in response now, which you later rely on in Court. Anything that you say may be used in evidence."*

Should you require an explanation as to the contents of the caution please contact our office.

I must warn you that any further breaches of the above-mentioned Notice being witnessed by the Noise Team may result in all of your sound equipment being seized from your premises by the Council.

Yours faithfully

Jennifer Lenihan  
Noise and Nuisance Officer

TP(Permit)

**SOUTHWARK COUNCIL**

Town and Country Planning Act 1990

**PLANNING PERMISSION**

To: Nashid Properties Ltd  
 c/o M J Eames F.R.I.C.S  
 129 Buxton Lane  
 Caterham On-the Hill  
 Surrey  
 CR3 5HN

LBS Reg. No: 0000277  
 Case No: TP/2064-57/MD  
 Date of issue of this decision: 20/09/2000

**Planning Permission was GRANTED for the following development:**

Use of ground and lower ground floors as a restaurant and erection of a duct.

At: 57/59 CAMBERWELL ROAD AND 3, BOUNDARY LANE, SE5

In accordance with application received on 10/01/2000

and Applicant's Drawing Nos. 292/2a & 3, 'Option A' ventilation.

**Subject to the following conditions:**

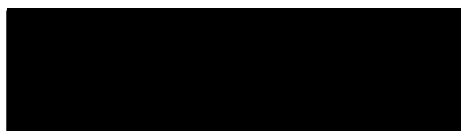
1. The development hereby permitted shall be begun before the end of five years from the date of this permission.
2. The use hereby permitted shall not be begun before details of the arrangements for the storing of refuse or waste have been submitted to and approved by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given.
3. The scheme of extract ventilation shown on drawing 'Option A' shall be carried out before the use hereby permitted is commenced.
4. There shall be no take-away or delivery of hot food service carried out from these premises.

**Reasons for the imposition of the conditions:**

1. As required by Section 91 of the Town and Country Planning Act 1990
2. In order that satisfactory provision for the storage of refuse is made.
3. In order that a satisfactory ventilation system is provided.

*CONTINUED OVERLEAF*

Signed

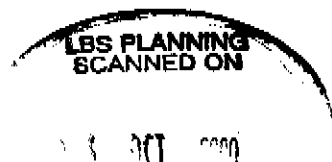


Director of Regeneration and Environment

**Your attention is drawn to the notes on the last page of the document.**

Any correspondence regarding this document should quote the Case No. and be addressed to:  
 Head of Planning, Council Offices, Chiltern, Portland Street, LONDON SE17 2ES Tel. No. 020 7525 5000

checked by



TP(Permit)

**SOUTHWARK COUNCIL**

Town and Country Planning Act 1990

**PLANNING PERMISSION**

LBS Reg. No: 0000277

Case No: TP/2064-57/MD

Date of issue of this decision: 20/09/2000

4. In order that the safety of pedestrians and other road users is not compromised by parking and manouevring associated with such activities and in the interests of the free flow of traffic on this busy road.

**Informatives:**

1. You are advised to consult the Council's Head of Public Protection with regard to carrying out this permission particularly with regard to the details of the ventilation system and the means by which it is to be affixed to the building in order to minimise the transmission of noise. Please contact Public Protection, Chaplin Centre, Thurlow Street, SE17 2DG
2. Refuse storage accommodation (see condition 2) must conform to BS 5906 and be formally approved by the Council. Please apply to the Director of Regeneration and Environment, Chiltern, Portland Street, London SE17 2ES. (tel: 0171 525 2189).
3. The applicant is advised that a separate application to obtain planning permission would need to be submitted for the installation of a new shop-front.



TP(Refuse)

**SOUTHWARK COUNCIL**

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



www.southwark.gov.uk

**REFUSAL OF PLANNING PERMISSION**

**Applicant** 411 Entertainment Limited  
**Date of Issue of this decision** 12/08/2015

**LBS Registered Number** 15/AP/2396

**Planning Permission was REFUSED for the following development:**

Retention of uses; ground floor restaurant/bar (A3) and basement nightclub (Sui Generis)

**At:** 57-59 CAMBERWELL ROAD, LONDON, SE5 0EZ

**In accordance with application received on** 15/06/2015 08:01:34 **Your Ref. No.:**

**and Applicant's Drawing Nos.** Site location Plan, Noise impact assessment, Lease Plan, Planning Statement, Annotated Plan

**Reason for refusal:**

The night club use by reason of its location outside of the town centre and in close proximity to a number of residential properties is considered detrimental to neighbouring residential amenity through increased noise, disturbance and anti social behaviour at times when the area would normally be quieter. As such the proposal is contrary to the NPPF; Policy 4.7 Retail and town centre development and .Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes of the London Plan 2015 (Consolidated with Alterations since 2011); Strategic policy 13 High environmental standards of the Southwark Core Strategy 2011 and Saved policies Saved policy 1.7 Development within town and local centres, 3.1 Environmental effects, 3.2 Protection of amenity and 3.11 Efficient use of land of the Southwark Plan 2007.

**Statement of positive and proactive action in dealing with the application**

To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and offers a pre planning application advice service. The scheme does not comply with guidance. No pre application discussions were entered into regarding the proposal. The Council is ready to enter into discussions with the applicants to assist in the preparation of a new planning application. The local planning authority delivered the decision in a timely manner.

Signed *Simon Bevan*

Director of Planning

**Your attention is drawn to the notes accompanying this document**

Any enquiries regarding this document should quote the LBS Registered Number and be sent to the Director of Planning, Southwark Council, Chief executive's department, Planning division, Development management, PO Box 64529, London SE1 5LX, or by email to [planning.applications@southwark.gov.uk](mailto:planning.applications@southwark.gov.uk)

UPRN: 200003453322

TP/2064-57

**REFUSAL OF PLANNING PERMISSION**

LBS Registered Number: 15/AP/2396

Date of issue of this decision: 12/08/2015

[www.southwark.gov.uk](http://www.southwark.gov.uk)

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**IMPORTANT NOTES RELATING TO THE COUNCIL'S DECISION**

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- [1] **APPEAL TO THE SECRETARY OF STATE.** If the applicant is aggrieved by this decision of the council to refuse permission, the applicant may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act, 1990 within six months of the date of this notice. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally use this power unless there are special circumstances which excuse the delay in giving notice of appeal. If you do decide to appeal you can do so using The Planning Inspectorate's online appeals service. You can find the service through the appeals area of the Planning Portal at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). You can also appeal by completing the appropriate form which you can get from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN [tel. 0117-3726372]. The form can also be downloaded from the Inspectorate's website at [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk). The Planning Inspectorate will publish details of your appeal on the internet on the appeals area of the Planning Portal. This may include a copy of the original planning application from and relevant supporting documents supplied to the council by you or your agent, together with the completed appeal form and information you submit to The Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you, that you are happy will be made available to others in this way. If you supply information belonging to someone else please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.
- [2] **PURCHASE NOTICE.** If permission to develop land is refused whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Council a purchase notice requiring it to purchase the owner's interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990.
- [3] **COMPENSATION.** In certain circumstances a claim may be made against the local authority for compensation, where permission is refused by the Secretary of State on appeal or on a reference of the application to the Secretary of State. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

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<b>Item No.</b>	<b>Classification:</b> OPEN	<b>Date:</b> 04/08/2015	<b>Meeting Name:</b> Delegated
<b>Report title:</b>	<b>Development Management planning application:</b> Application 15/AP/2396 for: Full Planning Permission  <b>Address:</b> 57-59 CAMBERWELL ROAD, LONDON, SE5 0EZ  <b>Proposal:</b> Retention of uses; ground floor restaurant/bar (A3) and basement nightclub (Sui Generis)		
<b>Ward(s) or groups affected:</b>	Faraday		
<b>From:</b>	Matthew Lambert		
<b>Application Start Date</b> 18/06/2015		<b>Application Expiry Date</b> 13/08/2015	
<b>Earliest Decision Date</b> 24/07/2015			

### RECOMMENDATION

- 1 Refuse planning permission

### BACKGROUND INFORMATION

#### Site location and description

- 2 The application site is the ground and basement floors of number 57 and 59 Camberwell Road. The application site is part of a terrace of four storey properties with commercial uses (mostly A classes) at ground and basement levels and residential above.
- 3 The site is not listed, nor is it located in a conservation area. The area is located within the Elephant and Castle Opportunity Area and the Aylesbury Action Area.

#### Details of proposal

- 4 Planning permission is sought to retain the current uses at the application site, a ground floor restaurant/bar (A3) (approx. 294sqm) and basement nightclub (Sui Generis) (approx. 174sqm). No external alterations are proposed. The premises is not currently operating, however the basement is arranged as a nightclub and the ground floor as a restaurant/bar. There would be separate dedicated entrances to both uses, both from Camberwell Road, although the fire exit doors to the property are to the rear onto Boundary Lane.
- 5 The proposed opening hours are:  
Restaurant 12:00-01:00 Monday to Sunday  
Night club: 22:00-05:00 Thursday to Saturday

- 6 The existing use of the premises as a restaurant and night club is considered to be unauthorised, there is no planning permission for this use. There has been a previous enforcement investigation into the use of the site as a night club, although this was closed as when visited the uses appeared to have ceased. Planning permission was granted for a restaurant use at the site in 2000, although pre commencement conditions were not discharged prior to the use commencing.

### **Planning history**

- 7 00/AP/0277 - Planning permission granted for "Use of ground and lower ground floors as a restaurant" on 20/09/2000.
- 8 06/EN/0014 - Planning enforcement notice issued in relation to the non compliance with condition 3 (extract ventilation) of planning permission ref 00/AP/0277. Case subsequently closed as the unit was vacant and not operating on 15/06/2006.
- 9 10/EN/0497 - Planning enforcement investigation into "Material change of use from restaurant to mixed restaurant bar and night club" closed following three late night inspections where the property was closed and not operating.
- 10 14/EN/0330 - Planning enforcement investigation into "Use of basement as nightclub." Currently under investigation.

### **Planning history of adjoining sites**

#### 57-67 Camberwell Road

- 11 15/AP/2822 - Prior approval application not yet determined for "Change of use of part of the ground floor from retail (use class A1) to use class 3 residential (x3 studio flats)." The application site is part of the neighbouring shop to the south.

#### 3 Boundary Lane

- 12 15/AP/2818 - Planning application invalid not yet started for "Erection of 3 storey building with 5 self-contained flats (comprising 1x studio flat, 2x 1 bed flat and 2x 2 bed flat) with associated outdoor amenity space and balconies."

#### 55 Camberwell Road

- 13 05/AP/1020 - Planning permission granted for "The erection of an additional 3 storeys above existing ground floor shop involving the provision of 3 self contained flats, including works to the ground floor to provide external refuse storage for the shop and residential units, a loading bay to the rear, and alterations to the shopfront to provide independant access to the proposed upper floors" on 01/12/2005.

#### 39-45 Camberwell Road

- 14 13/EN/0553 - Planning enforcement notice issued in relation to "Change of use from Class A4 drinking establishment to nightclub (sui generis)" on 17/03/2014.
- 15 APP/A5840/C/142217297 - Appeal against enforcement notice 13/EN/0553 dismissed on 23/01/2015.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

- 16 The main issues to be considered in respect of this application are:
- a) The principle of the change of use of the premises

- b) acceptability of the provision of an Night club within the premises.
- c) the impact on the amenities of adjoining occupiers, including residential occupiers.
- d) parking and traffic issues

### **Planning policy**

#### National Planning Policy Framework (the Framework)

- 17 Part 2 - Ensuring the vitality of town centres
- Part 4 - Promoting sustainable transport
- Part 8 - Promoting healthy communities
- Part 11 - Conserving and enhancing the natural environment
- Paragraph 17 - Core planning principles

#### London Plan 2015 (Consolidated with Alterations since 2011)

- 18 Policy 6.3 Assessing effects of development on transport capacity
- Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment
- Policy 4.7 Retail and town centre development
- Policy 6.13 Parking
- Policy 7.1 Lifetime neighbourhoods
- Policy 7.3 Designing out crime
- Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 19 Town Centres Supplementary Planning Guidance SPG (July 2014)
- Shaping Neighbourhoods: Character and Context SPG (June 2014)
- London Planning Statement SPG (May 2014)
- Shaping Neighbourhoods: Play and Informal Recreation SPG (September 2012)

#### Core Strategy 2011

- 20 Strategic Policy 1 – Sustainable development
- Strategic Policy 2 – Sustainable transport
- Strategic Policy 13 – High environmental standards

#### Southwark Plan 2007 (July) - saved policies

- 21 The Council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.
- 22 Policy 1.7- Development within town and local centres
- Policy 3.1 - Environmental Effects
- Policy 3.2 – Protection Of Amenity
- Policy 3.7 – Waste Reduction
- Policy 3.11 Efficient use of Land
- Policy 3.14 – Designing Out Crime
- Policy 5.2 - Transport Impacts
- Policy 5.6 - Car Parking
- 23 Aylesbury Area Action Plan (AAP) 2010

### **Principle of development**



- 24 There is no particular objection to a restaurant use in this location, subject to adequate ventilation and servicing arrangements, which could be secured by condition (especially as the current extract duct to the kitchen is subject to an enforcement notice).
- 25 A night club use is a Sui Generis use, and given the characteristics of a night club use, such as music, dancing, drinking from late in the evening to early in the morning, it is considered that such a use is suited to a town centre location as noted by Annex 2 of the NPPF, with better provisions in regards to public transport and other services.
- 26 Whilst located on Camberwell Road, the application site is not within a town centre location, with Elephant and Castle Major Town Centre approx. 220m to the north, and Camberwell District Town Centre approx. 780m to the south.
- 27 Indeed the section of Camberwell Road where the application site is situated, although providing a range of mostly A use classes (majority A1 with some A3 - 49-67 and 26-44 Camberwell Road), it does not have the town centre feel of the defined town centres noted above notably Walworth Road to the north, being a calmer section of Camberwell Road particularly at night, with very few late night uses in the surrounding area.
- 28 Given this, the change of use to a night club is considered contrary to Saved policy 1.7 - Development within town and local centres of the Southwark Plan 2007, and the proposed night club use (Sui Genris) is considered unacceptable in principle at this location.

#### **Environmental impact assessment**

- 29 N/a

#### **Impact of proposed development on amenity of adjoining occupiers and surrounding area**

- 30 In addition to the objection in principle to the proposal, it is considered that it will have a number of amenity impacts on surrounding residential uses.
- 31 Burgess park is situated approx. 100m to the south, and there are a number of new large residential developments surrounding the site such as Marbles House approx. 25m to the west on Grosvenor Terrace, and Roffo Court, part of the Aylesbury regeneration scheme approx. 35m to the east on Boundary Lane to the rear of the site. In addition to the newer residential developments there is established residential on Boundary Lane, immediately to the south of the application site, and on the upper floors of 49-67 Camberwell Road, of which many are accessed from Boundary Lane in very close proximity to the application site.
- 32 The new residential development to the rear of the application site at Roffo Court was built under phase 1 of the Aylesbury estate regeneration plan. Section 4 Better life: Better and safer streets, squares and parks of the Aylesbury Area Action Plan (AAP) 2010, details the goal to create safe and accessible streets, a choice of routes and to join the area with its surroundings. Boundary Row, which provides a direct walking route from Camberwell Road to the established residential and new residential uses immediately to the south and east of the application site. It is not considered that the use as a night club with associated noise, disturbance and fear of crime, which could render this route undesirable to use at certain times accords with the AAP and the regeneration of the Aylesbury Estate. The proposal is therefore considered contrary to the AAP.

Noise and disturbance

- 33 There are inherent characteristics associated with a night club use which generate noise. Whilst it is accepted that noise emanating from the night club in itself from the playing of music along with servicing of the premises are capable of control via conditions, and the measures contained within the submitted Noise Impact Assessment, the behavior of customers of the premises when arriving and leaving the premises is not.
- 34 Paragraph 006 of the Noise category of the NPPG (ref. 30-006-20141224) notes that *"Local planning authorities will wish to bear in mind not only the noise that is generated within the premises but also the noise that may be made by customers in the vicinity"* when considering application for commercial developments including night clubs.
- 35 There are recorded problems with the Planning and Licensing departments with the use of the application site as a night club going back a number of years, relating to incidents of crime, anti social behavior and noise from customers of the application site in the immediate vicinity. It is accepted that the premises will be operated under new management, however it is not considered that the behavior of customers of the business under the influence of alcohol and potentially in groups in the early hours of the morning, or people waiting for or picking up customers in vehicles is capable of control through conditions, and given the inherent characteristics of night club customers and the residential uses in the immediate vicinity it is considered that the proposal will be contrary to the NPPF; Policy 7.15 of the London Plan 2015; Strategic policy 13 of the Southwark Core Strategy 2011 and Saved policies 3.1, 3.2 and 3.11 of the Saved Southwark Plan 2007.

Fear of crime and anti social behavior

- 36 Many of the representations received relate to a fear of crime as a result of a night club use at the application site, based on previous experience of a night club use at the application site. As noted above the immediate surroundings feature large amounts of residential uses, many of which are accessed in very close proximity to the application site. It is considered likely that there will be times when operating, after nightfall, late evening to early morning that groups of people will congregate in the immediate surroundings of the application site, such as the streets to the rear and side of the application site, and that this will result in an increased fear of crime contrary to para. 69 of the NPPF, Policy 7.3 of the London Plan 2015 and Saved policy 3.14 of the Southwark Plan 2007.
- 37 Whilst it is accepted that the application site is to be under new management, it is considered that incidents of crime and anti social behavior are more likely to occur, on a more frequent basis with a night club use, and that residents' apprehensions of the proposal in regards to a fear of crime are well founded.

Waste and littering

- 38 Again, whilst waste generated from the night club may be able to be appropriately managed and conditioned to ensure this, it is considered likely that there will be further waste generated from customers outside the premises. Reports from residents regarding past operation of a nightclub at this site suggests that this was a problem that spread into the neighbouring residential area, including private front gardens, further having a detrimental impact on neighbouring amenity.

**Impact of adjoining and nearby uses on occupiers and users of proposed development**

- 39 None envisaged, the surrounding uses are a mix of commercial and residential.

**Transport issues**

- 40 The streets surrounding the site are with a Controlled Parking Zone (CPZ). The operating hours of the CPZ are Monday to Friday 8:30 to 18:30. The application site is likely to be most used outside of these times, and as a result it is considered that there will be an impact on parking in the surrounding streets. It is noted from residents' representations that parking and waiting in cars in the surrounding area was a problem with the previous use of the premises involving a night club, however such disturbance from this is considered above in para 35 and the impact of the proposal on the highway is not considered to warrant a reason for refusal.

**Design issues**

- 50 None, there are no external alterations proposed.

**Impact on character and setting of a listed building and/or conservation area**

- 51 None

**Impact on trees**

- 52 None identified

**Planning obligations (S.106 undertaking or agreement)**

- 53 None

**Sustainable development implications**

- 54 A night club use (a main town centre use as defined in the NPPF) is considered to be a use with inherent characteristics which do have an impact upon surrounding amenity both from its core operation and through customer of the use arriving and leaving the premises. The surrounding area in this case is made up of large amounts of residential, not in a defined town centre location, where residents have identified repeated amenity and safety problems with unauthorised night club uses, by different operators in the past.

**Other matters**

- 55 The site is subject to a number of on-going enforcement issues. This application seeks to regularise the uses. The enforcement matters currently under consideration will take account of this report and any decision made in respect of this application.

**Conclusion on planning issues**

- 56 The proposed retention of the ground floor restaurant/bar (A3) and basement nightclub (Sui Generis) is not located within a main town centre location and will result in additional noise, disturbance and fear of crime to residential occupiers in the nearby residential area. It is not considered that conditions could overcome or mitigate these objections. As such it is recommended that the application be refused.

**Community impact statement**

- 57 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in

respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

a) The impact on local people is set out above.

### **Consultations**

58 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

### **Consultation replies**

59 Details of consultation responses received are set out in Appendix 2.

#### Summary of consultation responses

59 44 representations received, all objections with the following concerns:  
Noise and disturbance from customers leaving/arriving at the premises late at night/early morning, car stereos, shouting, music

- Noise and disturbance from servicing of premises, including disposing of bottles
- Waste management of premises
- Anti social behavior - fighting, public urination
- Traffic impacts, such as customers and taxis parking/waiting in the surrounding residential streets and associated noise
- Littering in streets
- Fear of crime - drug dealing/drug use, fighting
- Noise emanating from the premises (music)
- Loitering
- Use of fire exit as alternative entrance/exit to premises

The above issues are discussed in the report above.

### **Human rights implications**

60 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

61 This application has the legitimate aim of providing a restaurant and nightclub use. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

**None**

### **REASONS FOR LATENESS**

**None**

### **REASONS FOR URGENCY**

**None**

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/2064-57  Application file: 15/AP/2396  Southwark Local Development Framework and Development Plan Documents	Chief executive's department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone:: 020 7525 7451 Council website: www.southwark.gov.uk

**APPENDICES**

<b>No.</b>	<b>Title</b>
<b>Appendix 1</b>	Consultation undertaken
<b>Appendix 2</b>	Consultation responses received

**AUDIT TRAIL**

<b>Lead Officer</b>	Simon Bevan Director of Planning	
<b>Report Author</b>	Matthew Lambert	
<b>Version</b>	<b>Final</b>	
<b>Dated</b>	<b>04/08/2015</b>	
<b>Key Decision</b>	<b>No</b>	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic director, finance & corporate services	No	No
Strategic director, environment and leisure	No	No
Strategic director, housing and community services	No	No
Director of regeneration	No	No
<b>Date final report sent to Constitutional / Community Council / Scrutiny Team</b>		

### Consultation undertaken

**Site notice date:** 30/06/2015

**Press notice date:** n/a

**Case officer site visit date:** 29/07/2015

**Neighbour consultation letters sent:** 01/07/2015

#### Internal services consulted:

EH & TS Licensing Unit  
Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]

#### Statutory and non-statutory organisations consulted:

Metropolitan Police Service (Designing out Crime)

#### Neighbour and local groups consulted:

61a Camberwell Road London SE5 0EZ	44 Camberwell Road London SE5 0EN
59b Camberwell Road London SE5 0EZ	36 Camberwell Road London SE5 0EN
59a Camberwell Road London SE5 0EZ	57-59 Camberwell Road London SE5 0EZ
67a Camberwell Road London SE5 0EZ	59c Camberwell Road London SE5 0EZ
65b Camberwell Road London SE5 0EZ	8 Boundary Lane London SE17 2BH
63a Camberwell Road London SE5 0EZ	40-42 Camberwell Road London SE5 0EN
57c Camberwell Road London SE5 0EZ	2 Boundary Lane London SE17 2BH
55 Camberwell Road London SE5 0EZ	3 Boundary Lane London SE17 2BH
53 Camberwell Road London SE5 0EZ	44 Camberwell Road London SE5 0EN
57b Camberwell Road London SE5 0EZ	Flat 4 Roffo Court Red Lion Row SE17 2FJ
61b Camberwell Road London SE5 0EZ	Flat 4 Roffo Court Red Lion Row SE17 2FJ
57a Camberwell Road London SE5 0EZ	112 Roffo Court London Se17 2fp
65a Camberwell Road London SE5 0EZ	118 Roffo Court Boundary Lane SE17 2FP
Third Floor Flat 40-42 Camberwell Road SE5 0EN	22 Roffo Court London SE17 2FL
Second Floor Flat 40-42 Camberwell Road SE5 0EN	32 Roffo Court Boyson Road SE17 2FL
Flat 3 53 Camberwell Road SE5 0EZ	27 Roffo Court Boyson Road SE17 2FL
42 Camberwell Road London SE5 0EN	Roffo Court, Boundary Lane London Se172fp
Basement And Ground Floor 38 Camberwell Road SE5 0EN	90 Roffo Court Boundary Lane SE17 2FP
5-7 Boundary Lane London SE17 2BH	77 Roffo Court London SE17 2FP
Flat 3 44a Camberwell Road SE5 0EN	15 Roffo Court Boyson Road SE17 2FL
Flat 1 44a Camberwell Road SE5 0EN	116 Roffo Court Boundary Lane SE17 2FP
First To Third Floor Flat 38 Camberwell Road SE5 0EN	102 Roffo Court Boundary Lane SE17 2FP
First Floor Flat 40-42 Camberwell Road SE5 0EN	20 Hitard Court Boyson Road SE17 2FG
Flat 2 53 Camberwell Road SE5 0EZ	65b Camberwell Road London se5 0ez
Flat 2 44a Camberwell Road SE5 0EN	12 Hitard Court Boyson Road SE17 2FG
Flat 1 53 Camberwell Road SE5 0EZ	81 Roffo Court Boundary Lane SE17 2FP
Flat C 4 Boundary Lane SE17 2BH	2 Roffo Court Red Lion Row SE17 2FJ
Flat B 4 Boundary Lane SE17 2BH	2 Roffo Court Red Lion Row SE17 2FJ
Flat A 4 Boundary Lane SE17 2BH	16b Boundary Lane SE17 2BH
Flat B 55 Camberwell Road SE5 0EZ	Flat 106 Roffo Court London SE17 2FP
Flat A 55 Camberwell Road SE5 0EZ	89 Roffo Court Boundary Lane SE17 2FP
Flat Above 53 Camberwell Road SE5 0EZ	35 Arments Court 392 Albany Road SE5 0DF
6a Boundary Lane London SE17 2BH	106 Roffo Court London SE17 2FP
Flat 6 53 Camberwell Road SE5 0EZ	Boyson Road London SE17 2FG
Flat 5 53 Camberwell Road SE5 0EZ	Boyson Road London se172fg
Flat 4 53 Camberwell Road SE5 0EZ	107 Roffo Court Boundary Lane SE17 2FP
6b Boundary Lane London SE17 2BH	29 Roffo Court Boyson Road SE17 2FL
Flat 8 53 Camberwell Road SE5 0EZ	Flat 125. Roffo Court Boundary Lane se17 2fp
Flat 7 53 Camberwell Road SE5 0EZ	Flat 37 Roffo Court Boyson Rd SE17 2FL

Flat C 55 Camberwell Road SE5 0EZ  
 73-75 Camberwell Road London SE5 0EZ  
 61-67 Camberwell Road London SE5 0EZ  
 61c Camberwell Road London SE5 0EZ

18 Roffo Court Boyson Road SE17 2FL  
 17 Roffo Court Boyson Road SE17 2FL  
 Flat 39 Roffo Court Boyson Road SE17 2FL  
 27 Arments Court 392 Albany Road SE5 0DF  
 14 Boundary Lane London SE17 2BH

**Re-consultation:** n/a

## APPENDIX 2

### Consultation responses received

#### Internal services

None

#### Statutory and non-statutory organisations

None

#### Neighbours and local groups

Boyson Road London SE17 2FG  
 Boyson Road London se172fg  
 Flat 106 Roffo Court London SE17 2FP  
 Flat 125. Roffo Court Boundary Lane se17 2fp  
 Flat 37 Roffo Court Boyson Rd SE17 2FL  
 Flat 39 Roffo Court Boyson Road SE17 2FL  
 Flat 4 Roffo Court Red Lion Row SE17 2FJ  
 Flat 4 Roffo Court Red Lion Row SE17 2FJ  
 Flat 4 Roffo Court Red Lion Row SE17 2FJ  
 Roffo Court, Boundary Lane London Se172fp  
 102 Roffo Court Boundary Lane SE17 2FP  
 106 Roffo Court London SE17 2FP  
 107 Roffo Court Boundary Lane SE17 2FP  
 112 Roffo Court London Se17 2fp  
 116 Roffo Court Boundary Lane SE17 2FP  
 118 Roffo Court Boundary Lane SE17 2FP  
 12 Hitard Court Boyson Road SE17 2FG  
 12 Hitard Court Boyson Road SE17 2FG  
 14 Boundary Lane London SE17 2BH  
 15 Roffo Court Boyson Road SE17 2FL  
 16b Boundary Lane SE17 2BH  
 17 Roffo Court Boyson Road SE17 2FL  
 18 Roffo Court Boyson Road SE17 2FL  
 2 Boundary Lane London SE17 2BH  
 2 Roffo Court Red Lion Row SE17 2FJ  
 2 Roffo Court Red Lion Row SE17 2FJ  
 20 Hitard Court Boyson Road SE17 2FG  
 22 Roffo Court London SE17 2FL  
 27 Arments Court 392 Albany Road SE5 0DF  
 27 Roffo Court Boyson Road SE17 2FL  
 29 Roffo Court Boyson Road SE17 2FL  
 32 Roffo Court Boyson Road SE17 2FL  
 35 Arments Court 392 Albany Road SE5 0DF  
 44 Camberwell Road London SE5 0EN  
 44 Camberwell Road London SE5 0EN  
 59c Camberwell Road London SE5 0EZ

61b Camberwell Road London SE5 0EZ  
61c Camberwell Road London SE5 0EZ  
63a Camberwell Road London SE5 0EZ  
65b Camberwell Road London se5 0ez  
67a Camberwell Road London SE5 0EZ  
77 Roffo Court London SE17 2FP  
81 Roffo Court Boundary Lane SE17 2FP  
89 Roffo Court Boundary Lane SE17 2FP  
90 Roffo Court Boundary Lane SE17 2FP



Cover letter for 1<sup>st</sup> notice



**Noise & Nuisance Team**  
**Phone - 020 7525 3171**  
**Our reference: 831257**

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

22 April 2016

Dear Mr Julius,

**RE: ENVIRONMENTAL PROTECTION ACT 1990 - SECTION 80**  
**NOISE NUISANCE FROM 57-59 Camberwell Road, London, SE5 0EZ**

On 16 April 2016 at 01.52 hours the Council received a complaint alleging that music coming from your premises was causing a noise nuisance.

I visited in response to the complaint on 16 April 2016 at 02.50 hours and was satisfied that the music was at a level that was causing a statutory nuisance to residents of neighbouring properties.

As the designated premises supervisor of this premises, you are the person responsible for any noise nuisance being caused. Please find attached, a Notice issued under the provisions of Section 80 of the Environmental Protection Act 1990. If the Notice is contravened, legal action may be initiated and for every proven contravention, a fine up to **£20,000** may be imposed. The Environmental Protection Act also empowers the Council to obtain a warrant to seize all sound equipment from a premises that is the source of recurring noise nuisance.

I ask you to ensure that music from your premises is at all times kept below a level that could be a nuisance to your neighbours. As a guide to you, music from your premises should not be audible at any time outside your entrance door(s). If it is played at a time when your neighbours are likely to be asleep, then it should not be audible outside the door of the room in which it is being played.

Yours sincerely,

Renato Morgante  
Noise Enforcement Officer

NOTICE REF. NO.: 086721RM APP831257

## ENVIRONMENTAL PROTECTION ACT 1990, SECTION 80

Abatement Notice in Respect  
of Statutory Nuisance

COPY

To: Mr Uwa Enri Julius

Of: Southbank nightclub, 57-59 Camberwell Road, London, SE5 0EZ.

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the London Borough of Southwark being satisfied of the Occurrence of a statutory nuisance under section 79(1)(g) of that Act caused by noise emanating from the premises known as: Southbank nightclub, 57-59 Camberwell Road, London, SE5 0EZ.

within the district of the said Council arising from: The playing of amplified music at an excessive level

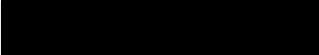
HEREBY PROHIBIT the Recurrence of the same and for that purpose, require you as the person responsible for the said nuisance to take all reasonable steps to ensure that:-

At any time of the day or night any live music or amplified sound is only played at the above premises at such a level that it is not likely to give rise to a nuisance in adjoining premises or in the neighbourhood.

*THIS is NOT a notice under regulation 3 (Suspension of Notices), para 2(a)(ii) of the Statutory Nuisances (Appeals) Regulations 1995, to which regulation 3 applies. In consequence, in the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court. This is due to the nuisance witnessed, being of a limited duration, as such that a suspension of the notice would render it of no practical effect.*

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale\*, together with a further fine of an amount equal to one-tenth of the greater of £5,000 or level 4 on the standard scale, that level for each day on which the offence continues after conviction.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to comply with the conditions in accordance with this notice, the Council may seize all the sound equipment from your premises and recover from you the necessary expenditure incurred.

Signed:   
Renato Morgante  
Noise Enforcement officer

Dated: 22 April 2016

KX 0608 5689 0GB

Please address any correspondence to:

Noise & Nuisance Team  
Southwark Council  
132 Queens Road  
London SE15 2HP  
Tel: 020 7525 2450  
Fax: 020 7525 2378

I CERTIFY THAT THIS IS A  
TRUE COPY OF THE NOTICE THAT  
SERVED ON:

DATE: 22/04/2016 TIME: 12:00 HOURS

BY THE FOLLOWING METHOD:-

Recorded Delivery n°

SIGNED.....  


N.B. The person served with this notice may appeal against the notice one days (21), beginning with the date of service of the notice, in Protection Act 1990. See the Statutory Nuisances (Appeals) Regulations 1995 on the reverse of this notice.

\* Currently £5000, subject to alteration by Order

The Statutory Nuisance (Appeals) Regulations 1995  
Appeals under Section 80(3) of the Environmental Protection Act 1990 ('the 1990 Act')

- 2.- (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
  - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in connection with any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
  - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
  - (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
  - (e) where the nuisance to which the notice relates -
    - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
    - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
    - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
  - (f) that, in the case of a nuisance under section 79(1)(g) of the 1990 Act, the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of-
    - (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act"), or
    - (ii) any consent given under section 61 or 65 of the 1974 Act, or
    - (iii) any determination made under section 67 of the 1974 Act;
  - (g) that in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the schedule relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in the streets or roads),
  - (h) that the abatement notice should have been served on some person instead of the appellant, being -
    - (i) the person responsible for the nuisance, or
    - (ii) the person responsible for the vehicle, machinery or equipment, or
    - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
    - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
  - (i) that the abatement notice might lawfully have been served on some person instead of the appellant being -
    - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
    - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,
 and that it would have been equitable for it to have been so served;
  - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
    - (i) a person also responsible for the nuisance,
    - (ii) a person who is also an owner of the premises, or
    - (iii) a person who is also an occupier of the premises,
 and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in connection with any copy of the abatement notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which this regulation applies he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of an appeal the court may-
- (a) quash the abatement notice to which the appeal relates, or
  - (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
  - (c) dismiss the appeal;
- and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of appeal the court may make such order as it thinks fit-
- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
  - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above, the court-
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
  - (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICES

3. (1) Where -
- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -
  - (b) either-
    - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
    - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
  - (c) either paragraph (2) does not apply, or if it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where -
- (a) the nuisance to which the abatement notice relates-
    - (i) is injurious to health, or
    - (ii) is likely to be of a limited duration such that suspension of the notice would render of no practical effect, or
  - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) Where paragraph (2) applies the abatement notice -
- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
  - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.



Southbank Nightclub  
57-59 Camberwell Road

London

SE5 0EZ

8 June 2018

Dear Mr Uwa Julius,

**Noise & Nuisance Team**  
**Phone - 020 7525 3171**  
**Our reference: 879161**

**RE: ENVIRONMENTAL PROTECTION ACT 1990, SECTION 80**  
**NOISE ABATEMENT NOTICE No. 086721RM DATED: 22 April 2016**

**ADDRESS: 57-59 Camberwell Road, London, SE5 0EZ**

On 1 June 2018 at approximately 0.15 hours, I witnessed a breach of the above-mentioned statutory Notice in that I heard loud music being played from within your premises at a level that was causing a noise nuisance in neighbouring properties.

It is an offence to fail to comply with any requirements of the Notice without a reasonable excuse, so the Council is now considering whether to prosecute you for the offence of breaching the Notice. You may take this opportunity to state in writing any reasons why, despite being served with the Notice, you allowed the playing of music at a level that caused nuisance at the above-mentioned date and time. On receipt of your correspondence the Council will review your file and decide the appropriate action, which may include, but is not limited to, legal proceedings.

The offence that you may be charged with is a criminal offence and therefore I must caution you in accordance with The Police and Criminal Evidence Act Code of Practice that:

*"You are not obliged to make any response. But it may harm your defence if you do not mention something in response now, which you later rely on in Court. Anything that you say may be used in evidence. "*

Should you require an explanation as to the contents of the caution please contact our office. As an alternative to replying in writing, you may wish instead to come to the Noise Team's Office at the address below, for an interview that will be tape-recorded. If you do not respond in writing or make arrangements to attend for interview, **within 14 days** of the date of this letter, I shall assume that you have nothing to say about the matter and the Noise Team may instigate legal proceedings against you for breaching the above-mentioned Notice. You may wish to take legal advice regarding this matter.

I must warn you that any further breaches of the above-mentioned Notice being witnessed by the Noise Team may result in all of your sound equipment being seized from your premises by the Council.

Yours faithfully  
Mr Tyrone Osewa

**LICENSING****MEMO: Licensing Unit**

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**To** Licensing Unit                      **Date** 6 July 2022  
**From** Jayne Tear                      **Telephone** 020 7525 0396  
**Email** [jayne.tear@southwark.gov.uk](mailto:jayne.tear@southwark.gov.uk)

---

**Subject** Re Southbank Nightclub (t/a La Estacion), 57-59 Camberwell Road,  
London, SE5 0EZ - Application to review the premises licence

I write with regards to the above application to review the premises licence submitted by an Other Person under the Licensing Act 2003.

The application is submitted under the prevention of public nuisance; the prevention of crime and disorder and public safety and the grounds for the review are concerned with:

*'Continued noise on weekends not only in our places of home but on Walworth Road. The noise has become so unbearable that I often have to move out on weekend nights as I cannot sleep through it. The noise has prevented me from renting my flat for market rate. The presence of the nightclub has prevented me from selling my flat to a buyer that requires a mortgage, as lenders now do not want to take the risk of lending above a nightclub (the reason we want to sell is due to the nightclub) Antisocial behaviour including fights breaking out in the street most weekends. As a young female, I feel very unsafe to attempt to stop said antisocial behaviour and fights. We wake up to find smashed bottles, litter, defecation on our entrance way on most weekends. There is a safety threat on our cars which are parked outside - we frequently see smashed wing mirrors and windscreens which we assume is a result of drink-driving from club-goers. There is often rubbish dumped in the entrance alleyway. The nightclub hugely affects our community - the quality of our living, ability to sleep. I would like to emphasis the distress, increase in crime, loss in earnings and future earnings and impact on mental health that this ongoing issue has caused. The issue is not with the length of the license per say but the nightclub license itself. Therefore, I do not think the issues will be resolved by changing the licence to stop at 3am rather than 5am for example. I would like the licence to be revoked in its entirety.'*

My representation is concerned with the prevention of crime and disorder and the prevention of public nuisance licensing objectives and has regard to the Southwark Statement of Licensing policy 2021 – 2026.

There have been numerous complaints to the council regarding noise and antisocial behaviour from the patrons of the premises. Furthermore officers working on the Night Time Economy Team (NTET) have witnessed breaches of the premises licence conditions. Licensing officers are currently investigating recent complaints received and I shall provide further information regarding the complaints at a later stage.

In spite of the management of the premises being given advice and warnings from council officers and the police it would appear that the premises have not rectified these issues.

I therefore submit this representation in full support of the applicant as I have no confidence that the management of the premises are promoting any of the licensing objectives.

I will provide further supporting information to this representation at a later stage.

Jayne Tear

Principal Licensing Officer

In the capacity of the Licensing Authority as a Responsible Authority

**OTHER PERSONS SUPPORTING APPLICANT  
OTHER PERSON A**

**From:** [REDACTED]  
**Sent:** Tuesday, July 5, 2022 6:18 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Support for licence review: Southbank Nightclub

Dear Sir/madam,

I wish to submit representation for the revocation of the licence for Southbank nightclub. My partner lives in a flat above the nightclub, and I often stay over, including at weekends. On Saturday nights this results in me not being able to sleep, due to the noise and vibrations that emanate throughout the flat. My partner has called the noise complaints team multiple times, to no avail. Furthermore, the area around the entrance to the flats is often very dirty on a Sunday morning (when the nightclub has been in operation on a Saturday night), with broken glass bottles, red plastic cups and at times, urine and faeces in the area. Lastly, when returning to the building on a couple of occasions on Saturday night it feels quite unsafe and I have been harassed verbally by people drinking on the streets around the building before they enter the club.

I think that the loud music late into the night is a massive nuisance to myself, partner and many others in the building, despite speaking to the owner and calling the noise team. It feels quite unsafe, and as described above, sometimes dangerous. I am in full support for revocation of the licence on the grounds of causing a public nuisance and safety in the area, promoting antisocial behaviour.

If you need any more information, please do let me know.

Kind regards,

[REDACTED]  
[REDACTED]

**OTHER PERSON B**

From: [REDACTED]  
Sent: Wednesday, June 29, 2022 3:49 PM  
To: Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
Subject: License Review - Southbank nightclub 57-59 Camberwell Road SE5 0EZ

Dear Sirs,

License review for Southbank nightclub, 57-59 Camberwell Road, SE5 0EZ  
Licence Number: 877673

My husband and I would like to register our representation for the review of the license for Southbank nightclub 57-59 Camberwell Road SE5 0EZ. The basis for our representation is that these premises do not promote the licensing objectives, particularly the prevention of crime, disorder and antisocial behaviour.

The nightclub lies within a heavily residential area, and enabling the premises to operate would be detrimental to its aims and objectives. Crime, disorder and public nuisance in this area have already reached problem levels for the local police.

Like ourselves many residents in this area already suffer noise nuisance and antisocial behaviour, especially on Friday and Saturday nights, due to licenses granted to a number of restaurants and clubs operating until the early hours at a time when most respectable local residents are in bed and trying to sleep. We live in a very busy residential area with young families, children and older people. Families for all ages live here and many have young children who need to have established sleep patterns, uninterrupted by noise in the small hours, regardless of days of the week, not just school days.

As a result of the late opening hours we have experienced the following anti-social behaviour:

- Increase in the number incidents of anti-social behaviour such as swearing and shouting on the street until the early hours, fighting and aggression, loitering, urination and defecation in the street and on the pavement in front of Roffo Court residence.
- People lingering on the pavement and in the corners between Red Lion Row, Boyson Road and Boundary Lane after the nightclub closure, playing loud music, shouting and fighting in the middle of the night. The noise has become so unbearable that we often feel very tired over the weekend, not to mention the level of anxiety this has caused us.
- People parking their car on the pavement in front of our flat until the early hours. In the summer we have to sleep with our windows tight shut and heads under our pillows as groups of "customers" returning to their cars tend to linger on the pavement talking loudly amongst themselves or on their mobile phones, arguing, or playing loud music from their car. The nightclub immensely affects our community, the quality of our living, and our ability to sleep.



- Increase in litter left on the pavement and our patio wall, particularly from takeaway wrappers, cigarette butts and empty beer bottles and cans. We believe this has contributed to the increase in the number of rats in the area. Rats have recently caused damage to our internet connection and that of our neighbour. This has caused stress and inconvenience, as we need the internet connection to be able to work from home. Furthermore, we had to pay for a pest controller and a plumber after rats chewed on our toilet pipe and entered the bathroom.

In view of the above, the level of mental stress, financial loss and antisocial behaviour caused by Southbank nightclub we would urge the Licensing Authority to revoke the license in its entirety, as we feel that changing the hours would not solve the issue.

Yours faithfully,

[Redacted signature]

[Redacted address]

## OTHER PERSON C

**From:** [REDACTED]  
**Sent:** Monday, June 13, 2022 4:55 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Revocation request: Nightclub La Estacion 57-59 Camberwell Road SE5 0EZ

Dear Sir/Madam

I am writing to you in relation to the licence review for the nightclub 'La Estacion' at 57-59 Camberwell Road, SE5. I am pleased to see that a review is going to take place as the nightclub has caused me and the other residents living above or near it numerous problems over the years.

I have resided at [REDACTED] since the summer of 2000. I am not completely certain when the nightclub first opened, but it has taken a variety of forms over the years. To be fair, La Estacion is not the worst incarnation in terms of noise, but that isn't saying a great deal as the music (particularly drumming and bass sounds) keeps me awake at night (usually until well after 3am) when the club is open. Even worse, after the club shuts its doors people congregate outside around the back in Red Lion Row, where there are often screaming matches and drunken arguments long into the night, before the crowd heads off amidst much slamming of car doors. As well as the disturbance caused to sleep we frequently wake up the next morning to find litter, smashed bottles and an unpleasant whiff of urine in the immediate area by our communal entrance (off Boundary Lane). I appreciate there are other nightclubs in the area which may be contributing to these issues, however I don't believe that the customers at La Estacion are devoid of blame.

So, for the reasons expressed above. I would support the revocation of the licence for La Estacion.

kind regards

[REDACTED]  
[REDACTED]

**OTHER PERSON D**

**From:** [REDACTED]  
**Sent:** Thursday, June 9, 2022 3:16 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** REVOCATION REQUEST: Southbank Nightclub t/a La Estacion - 57-59 Camberwell Road London SE5 0EZ

Dear Licensing Team,

Please receive this as my written representation supporting the revocation of the premises licence issued in respect of the Southbank Nightclub t/a La Estacion - 57-59 Camberwell Road London SE50EZ.

My details are:

[REDACTED]  
Submitted: 9th June 2022

Actions taken to date:

- I first raised concerns to the Noise & Nuisance - 8th January 2021 - via Martin Talbot Team Leader, Noise & Nuisance Team, Southwark Council. Since then I have continued to raise noise complaints to the same team.
- In total, I have had three visits from the team, the first two of which they would not enter the property due to covid.
- On the third visit, the team attended the street but did not enter the flat as they felt unsafe as they had witnessed fighting in the street - on calling them again they returned as the fight had concluded and they entered the flat. They deemed that the noise was at unacceptable levels but that the issue was beyond their control as the establishment had a licence for music. They advocated that I needed to be raised with noise complaints with the licensing board. NB: the flat is 3 levels above the supposedly-sound proofed nightclub, our flat is double-glazed and our neighbour directly below us has done extensive soundproofing to their own flat. There is not much more we can do or invest in to further sound proof our flat.

As a result of the noise disturbance we now contact Henry, the owner, on a weekly basis to establish if the club is open on Friday and Saturday. If it is open, I leave our flat to stay with family, friends or at a hotel, as the level of noise and the vibrations from the music are beyond sleeping and lead to significant disturbances.

My concerns relate to:

- Violence (as witnessed by the noise team on their visit)
- Repeated drunkenness and anti-social behaviour (including people urinating and defecating in the alleyway off the Boundary Lane which is effectively the entrance to our property)
- The level of noise coming from the queueing crowd, car horns of people trying to park on the one-way Boundary Lane
- The general large crowds around the property at 5am - we frequently have to step around broken glass, vomit puddles and general litter as a result of the drunken behaviour of the patrons of the establishment.
- MOST significantly, the noise generated by the loud music from the nightclub itself.

I see from the application that the licence permits music to be played until 04:30 but the music plays until 05:00 EVERY weekend. I would welcome Henry, the premises owner, and representatives from the council to spend time in our flat when the club is open to witness first-hand the level of disruption caused.

Thank you for taking this all into consideration - I strongly request that you consider the impact it would have on your wellbeing were you having to leave your home every weekend purely for the purpose of getting a normal night's sleep. As a GP I am well placed to inform you of the health implications that chronic sleep deprivation has on peoples' well-being both from a Chronic Metabolic Disease point of view and a Mental Health point of view - it's not sustainable and I worry for the well-being of my neighbours (including a child suffering with ASD) and myself that this premises is having on us all in its current state.

Yours faithfully,

██████████

## OTHER PERSON D PART 2

**From:** [REDACTED]  
**Sent:** Monday, June 13, 2022 9:58 AM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>; Talbot, Martin <[REDACTED]>  
[REDACTED]  
**Subject:** REVOCATION REQUEST: Southbank Nightclub t/a La Estacion - 57-59 Camberwell Road London SE5 0EZ

Dear Licensing Team,

Please see attached the record of my contacts with the noise team as evidence to the content of my revocation request email.

I would just like to highlight a few things mentioned in the report of the last visit:

- Unless the noise officer attending could speak Spanish then they would not be able to identify the lyrics to the music they heard on their last visit.
- Shazam recognises singular tracks officially released for commercial sale and would not be able to identify South/Central American House music being actively mixed by a DJ as was the case (and remains the case) at L'Estacion.
- When mentioning my wife sleeping at the time of the visit; this was with ear plugs in her ears, noise cancelling headphones on and playing white noise to try and block out the music. Unfortunately one still feel the vibrations of the bass through the floor and the bed.
- Would it be possible to provide the noise cancelling team Decibel Meters to use when making their assessments? Shazam is not a validated measure of the volume of music being played. It means they are relying on human reporting, which is hugely subjective.

Many thanks for your continued work on this matter.

[REDACTED]  
[REDACTED]

**OTHER PERSON D SUPPLIMENTARY****From:****Sent:** Monday, July 11, 2022 12:29 PM**To:** Heron, Andrew**Cc:****Subject:** EPT report incorrect - see formal noise team review on 28th Nov 2021

Dear Mr Heron,

Thank you for your efforts in collating the accounts for the licence review.

I strongly contest the summary from the EPT rep that on the 28th Nov 2021 there was "no nuisance noted and the noise was not of a level that would cause an issue as documented in the written summary NOT the table.

Please see attached the formal report on that date which specifically highlights intrusive noise and nuisance.

The team were unwilling to make an assessment initially as there was fighting outside and they felt unsafe. When they returned later they stated the noise levels in the bedroom "would be intrusive if ongoing repeatedly". This happens every weekend so I would deem that repeatable and sometimes up to three times on a w/e for example on a bank holiday (as evidenced by my wife's WhatsApp message thread with the owner).

I would request that Ken who completed the summary for EPT be asked to review and correct his submission. It makes me very concerned that he could have such an oversight that on the one occasion the noise team actually assessed from our bedroom is not taken into account.

Please can you review the attached document and advise me of what action will be taken in regards to this error, it's unacceptable.

I would finish by highlighting that whilst we are labelled as being on the second floor, we are actually three stories above the nightclub as it is in the basement of the building.

Thank you for your time and consideration.

Kind regards,

London Borough <sup>172</sup> of Southwark

CMU V8.9.x.0

REPORT PREPARED ON 13/ 6/22 AT 08:37

NAME AND ADDRESS DETAILS

PREMISES REF: E16PB257-5/1                      TRADER:    Southbank nightclub

ADDRESS: 57-59 Camberwell Road  
          London  
          SE5 0EZ

AREA: Borough, Bankside & Walworth  
WARD: Faraday

UPRN/USRN: 200003453322  
EASTING:     532435  
NORTHING:    177758

PRINCIPAL USAGE:                      E16    - Night-Club  
PREMISES TYPE:                         P      - Property

ACTION DETAILS

ACTION TYPE:                            A01    - Service Request/Complaint Follow  
SOURCE DATABASE:                      COMPLAINTS  
  Record number 967180  
INVESTIGATING OFFICER:                OA2    - Omomayowa Alabi

DATE ACTION OPENED:                    28/11/2021  
DATE ACTION CLOSED:                    28/11/2021

ACTION EVENT DETAILS

<u>ITEM</u>	<u>EVENT</u>	<u>DESCRIPTION</u>	<u>SCH. DATE</u>	<u>ACT. DATE</u>	<u>OFF</u>	<u>ACTIVITY</u>
1	A99	1325449-L6X7 DO NOT AMEND THE ABOVE CRM REFERENCE				
2	AAH	Email Sent to noise 2 @ 03:02	28/11/2021	28/11/2021	6AG	
3	A04	Telephone call received nuisance is still on @ 03:20	28/11/2021	28/11/2021	6AG	
4	A05	Telephone call made		28/11/2021	OA2	
5	NVV	Noise Visit		28/11/2021	OA2	
6	AAH	Email Sent to Licensing		28/11/2021	OA2	
7	AAB	Email Received from Licensing		07/12/2021	OA2	

ACTION EVENT DETAILS

<u>ITEM</u>	<u>EVENT</u>	<u>DESCRIPTION</u>	<u>SCH. DATE</u>	<u>ACT. DATE</u>	<u>OFF</u>	<u>ACTIVITY</u>
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ITEM	EVENT	DESCRIPTION	SCH. DATE	ACT. DATE	OFF	ACTIVITY
1	A99	1325449-L6X7 DO NOT AMEND THE ABOVE CRM REFERENCE 1325449-L6X7				
2	AAH	Email Sent to noise 2 @ 03:02 28/11/2021 3:02 6AG	28/11/2021	28/11/2021	6AG	
3	A04	Telephone call received nuisance is still on @ 03:20 28/11/2021 3:21 6AG	28/11/2021	28/11/2021	6AG	
4	A05	Telephone call made Tctc 03.40am- I had a long conversation with the [REDACTED] I advised him that officers had been there and following an assessment and witnessing people fighting along boundary way 40 mins ago they didn't think it appropriate to approach. I advised that I was okay to enter his premises but will not be making assessments from the balcony of his bedroom as he suggested neither will I compromise his identity as I owed him a duty of care. Visit arranged		28/11/2021	OA2	
5	NVV	Noise Visit Arrived at 4.15am Observations made from the sole bedroom in the premises which is two levels above the nightclub and is separated from the nightclub via another set of flats on the level directly below the complainant's but within the same building block. Access inside the building block is on [REDACTED] The music was audible inside the bedroom but at a normal blurred level. I believe the wife was asleep but she did wake up and say something while the assessment was going on. I was not familiar with the lyrics I heard. The complainant alleged that the music was coming from Lestacion 57 which appears to be above the concerned premises when facing the main road and stood in the office room. The music in the bedroom would be deemed intrusive if ongoing repeatedly as it is audible and can become an issue. I will refer this to licensing and explained this to the complainant.  The complainant moved in [REDACTED] to join his wife who moved in [REDACTED] and this was an issue pre lockdown but it got quiet during the lockdown because of the restrictions. I was unable to pick the lyrics even with Shazam  There were two security men on passing by the premises to go into the complainants premises but on my return there was just one security man at 4.39am. I noticed that the front glass door was wide open. I asked him whether it was common to leave this door open to which he replied that yes as the second door located at the basement level access into the club was usually kept shut. Will refer to licensing as the club appears not to suitably sound proofed		28/11/2021	OA2	
6	AAH	Email Sent to Licensing Ref: APP 967180  [REDACTED] of [REDACTED] Camberwell Road, London SE5 [REDACTED] (tel- [REDACTED] called to report La Estacion located at 57 Camberwell Road from which loud music was being played and transferred into [REDACTED] I visited		28/11/2021	OA2	



<u>ITEM</u>	<u>EVENT</u>	<u>DESCRIPTION</u>	<u>SCH. DATE</u>	<u>ACT. DATE</u>	<u>OFF</u>	<u>ACTIVITY</u>
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earlier today and can understand how this music level can disturb a person especially when disturbed repeatedly over days.

I walked by La Estacion and noticed that the single glass door at the front entrance was left wide open. I asked the security man about this and he replied that the door is left open but the inner access door is kept shut.

As a licensed premises please will you look at this premises? I am unsure whether there is adequate sound proofing inside the premises or whether the premises is complying with the granted licence.

I informed the complainant that I will refer this to your Department for further action.

Kind regards,

Mayowa

Omomayowa Alabi  
Noise Enforcement Officer  
Tel- 0207 525. 5777

7	AAB	Email Received from Licensing		07/12/2021	OA2	
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From: Franklin, David <David.Franklin@SOUTHWARK.GOV.UK>  
Sent: Wednesday, December 1, 2021 3:47 PM  
To: Alabi, Omomayowa <Omomayowa.Alabi@southwark.gov.uk>  
Subject: FW: Service referral

Hi Mayowa,

Thanks for alerting us to your visit, we are interested in noise nuisances from licensed premises, particularly in this area as part of a larger action related to noise and ASB in the street.

From looking at your visit notes the noise was not a nuisance in this instance, the relevant licensing objective is "prevention of a public nuisance," therefore we are unlikely to be able to assist at this time and advising the client that it will be referred to us is not very helpful as we usually advise them to call yourselves if there is a noise problem.

If there is a nuisance, or the likelihood of a nuisance, and it could affect more than one household, then the Environmental Protection Team or Licensing could look at reviewing the premises licence under that objective and with a view to condition sound containment and/or management practices to reduce noise escape. The service of a warning letter or abatement notice would assist with this.

The residents can also review the premises licence, however we do advise them to call the Noise & Nuisance Team first to try to resolve a noise nuisance issue.

Please continue to let us know of any noise visits to licensed premises, we do find them helpful.

Kind regards

<u>ITEM</u>	<u>EVENT</u>	<u>DESCRIPTION</u>	<u>SCH. DATE</u>	<u>ACT. DATE</u>	<u>OFF</u>	<u>ACTIVITY</u>
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David

David Franklin  
Team Leader Licensing

From: Alabi, Omomayowa <Omomayowa.Alabi@southwark.gov.uk>  
Sent: Sunday, November 28, 2021 11:31 PM  
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>  
Subject: Service referral

Ref: APP 967180

called to report La Estacion located at 57 Camberwell Road from which loud music was being played and transferred into 59B. I visited earlier today and can understand how this music level can disturb a person especially when disturbed repeatedly over days.

I walked by La Estacion and noticed that the single glass door at the front entrance was left wide open. I asked the security man about this and he replied that the door is left open but the inner access door is kept shut.

As a licensed premises please will you look at this premises? I am unsure whether there is adequate sound proofing inside the premises or whether the premises is complying with the granted licence.

I informed the complainant that I will refer this to your Department for further action.

Kind regards,

Mayowa

Omomayowa Alabi  
Noise Enforcement Officer  
Tel- 0207 525 5777

NAME AND ADDRESS DETAILS

PREMISES REF: E16PB257-5/1                      TRADER: Southbank nightclub

ADDRESS: 57-59 Camberwell Road  
          London  
          SE5 0EZ

AREA: Borough, Bankside & Walworth  
WARD: Faraday

UPRN/USRN: 200003453322  
EASTING: 532435  
NORTHING: 177758

PRINCIPAL USAGE:                      E16 - Night-Club  
PREMISES TYPE:                         P - Property

CMU V8.9.x.0

REPORT PREPARED ON 13/ 6/22 AT 08:38

NAME AND ADDRESS DETAILS

PREMISES REF: [REDACTED]

TRADER: [REDACTED]

ADDRESS: [REDACTED]  
Boundary Lane  
London

AREA: Camberwell  
WARD: Faraday



PRINCIPAL USAGE: L09 - Highway  
PREMISES TYPE: R - Road / Highway

PREMISES ALARM STATUS: N

ACTION DETAILS

ACTION TYPE: A01 - Service Request/Complaint Follow  
SOURCE DATABASE: COMPLAINTS  
Record number 965399  
INVESTIGATING OFFICER: 6HB - Nancy Kulube

DATE ACTION OPENED: 31/10/2021  
DATE ACTION CLOSED: 31/10/2021

ACTION EVENT DETAILS

ITEM	EVENT	DESCRIPTION	SCH. DATE	ACT. DATE	OFF	ACTIVITY
1	A99	1320403-B0D0 DO NOT AMEND THE ABOVE CRM REFERENCE				
2	A05	Telephone call made @ 06:15. Noise has stopped so job closed		31/10/2021	6HB	

ACTION EVENT DETAILS

ITEM	EVENT	DESCRIPTION	SCH. DATE	ACT. DATE	OFF	ACTIVITY
1	A99	1320403-B0D0 DO NOT AMEND THE ABOVE CRM REFERENCE 1320403-B0D0				

<u>ITEM</u>	<u>EVENT</u>	<u>DESCRIPTION</u>	<u>SCH. DATE</u>	<u>ACT. DATE</u>	<u>OFF</u>	<u>ACTIVITY</u>
2	A05	Telephone call made @ 06:15. Noise has stopped so job closed		31/10/2021	6HB	

NAME AND ADDRESS DETAILS

PREMISES REF: [REDACTED] TRADER: [REDACTED]

ADDRESS: [REDACTED]  
Boundary Lane  
London

AREA: Camberwell  
WARD: Faraday

[REDACTED]

PRINCIPAL USAGE: L09 - Highway  
PREMISES TYPE: R - Road / Highway

PREMISES ALARM STATUS: N

CMU V8.9.x.0

REPORT PREPARED ON 13/ 6/22 AT 08:38

NAME AND ADDRESS DETAILS

PREMISES REF: [REDACTED]

TRADER:

ADDRESS: [REDACTED]

AREA: Borough, Bankside & Walworth  
WARD: Faraday

[REDACTED]

PRINCIPAL USAGE: R08 - HMO - Flat Conversion  
PREMISES TYPE: P - Property

PREMISES ALARM STATUS: N

ACTION DETAILS

ACTION TYPE: A01 - Service Request/Complaint Follow  
SOURCE DATABASE: COMPLAINTS  
Record number 964042  
INVESTIGATING OFFICER: SAL - Samuel Lam

DATE ACTION OPENED: 10/10/2021  
DATE ACTION CLOSED: 10/10/2021

ACTION EVENT DETAILS

<u>ITEM</u>	<u>EVENT</u>	<u>DESCRIPTION</u>	<u>SCH. DATE</u>	<u>ACT. DATE</u>	<u>OFF</u>	<u>ACTIVITY</u>
1	A99	1316691-X2X9 DO NOT AMEND THE ABOVE CRM REFERENCE				
2	A05	Telephone call made		10/10/2021	SAL	
3	NCV	Visit to location		10/10/2021	SAL	
4	NON	no nuisance witnessed		10/10/2021	SAL	

ACTION EVENT DETAILS

<u>ITEM</u>	<u>EVENT</u>	<u>DESCRIPTION</u>	<u>SCH. DATE</u>	<u>ACT. DATE</u>	<u>OFF</u>	<u>ACTIVITY</u>
1	A99	1316691-X2X9				

ITEM	EVENT	DESCRIPTION	SCH. DATE	ACT. DATE	OFF	ACTIVITY
		DO NOT AMEND THE ABOVE CRM REFERENCE 1316691-X2X9				
2	A05	Telephone call made Telephone call made to complainant. He says music from La Estacion 57 is becoming a regular problem, the music is too loud.		10/10/2021		SAL
3	NCV	Visit to location Arrived and assessed from outside at 3.15hrs. music could be heard when assessing directly at the front doors of the club but rapidly faded as I walked away, barely audibly 10-15m from the front entrance.  Also assessed from as close to the complainants premises as possible, the music was faint and barely audible, I called the complainant to update him, he let me into the entrance of the communal area, the music was louder in the communal area but not loud enough at this time to be considered a stat nuisance.  Advised complainant to keep using the service.		10/10/2021		SAL
4	NON	no nuisance witnessed		10/10/2021		SAL

NAME AND ADDRESS DETAILS

PREMISES REF: [REDACTED]

TRADER:

ADDRESS: [REDACTED]

AREA: Borough, Bankside & Walworth  
WARD: Faraday

[REDACTED]

PRINCIPAL USAGE: R08 - HMO - Flat Conversion  
PREMISES TYPE: P - Property

PREMISES ALARM STATUS: N

CMU V8.9.x.0

REPORT PREPARED ON 13/ 6/22 AT 08:38

NAME AND ADDRESS DETAILS

PREMISES REF: [REDACTED]

TRADER:

ADDRESS: [REDACTED]

AREA: Borough, Bankside & Walworth  
WARD: Faraday

[REDACTED]

PRINCIPAL USAGE: R01 - Flat  
PREMISES TYPE: 5 - Privately Owned Rented

PREMISES ALARM STATUS: N

ACTION DETAILS

ACTION TYPE: A01 - Service Request/Complaint Follow  
SOURCE DATABASE: COMPLAINTS  
Record number 942718  
UNIT: NTT - Noise Team  
INVESTIGATING OFFICER: MTT - Martin Talbot

DATE ACTION OPENED: 08/01/2021  
DATE ACTION CLOSED: 08/01/2021

ACTION EVENT DETAILS

ITEM	EVENT	DESCRIPTION	SCH. DATE	ACT. DATE	OFF	ACTIVITY
1	A99	1260152-W3M5 DO NOT AMEND THE ABOVE CRM REFERENCE				
2	AAH	Email Sent to		08/01/2021	MTT	

ACTION EVENT DETAILS

ITEM	EVENT	DESCRIPTION	SCH. DATE	ACT. DATE	OFF	ACTIVITY
1	A99	1260152-W3M5 DO NOT AMEND THE ABOVE CRM REFERENCE 1260152-W3M5				



<u>ITEM</u>	<u>EVENT</u>	<u>DESCRIPTION</u>	<u>SCH. DATE</u>	<u>ACT. DATE</u>	<u>OFF</u>	<u>ACTIVITY</u>
2	AAH	Email Sent to Dear [REDACTED]		08/01/2021	MTT	

The Council deals with noise and associated problems by means of Statutory Nuisance or under Anti-Social Behaviour. In that the problem is witnessed by an authorised officer, and in their opinion, the nuisance from one property would in the opinion of the officer, affect the average person's use or enjoyment of that property, or be detrimental to the locality.

Various criteria are taken into consideration, volume and characteristic of the noise, time of day and duration, as well as the area.

Only what the officer witness's during their visit can be taken into consideration, allowing for the time of day and other variables. The pertinent point is that all problems have to be witnessed by the authorised officer, if we are to take action.

If the issues witnessed, are not matters that fall within the remit of nuisance, the information will be passed onto any relevant department if any.

If you feel that you are being disturbed at any time, whilst the problem is ongoing, you should contact us via the Environmental Call Centre on 0207 525 5777.

The Noise Rapid Response operation times are as follows:

7.00 am Friday through to 2.30 am Tuesday, and then 7.00am through to 2.30am the following morning on Tuesday, Wednesday & Thursday.

If the problem can then be witnessed by an authorised officer, the appropriate action will be taken by us.

Martin Talbot, Team Leader  
Noise & Nuisance Team  
Southwark Council  
132 Queens Road  
SE15 2HP  
direct tel: 0207 525 2450  
team tel : 0207 525 3171  
martin.talbot@southwark.gov.uk

NAME AND ADDRESS DETAILS

PREMISES REF: [REDACTED]

TRADER:

ADDRESS: [REDACTED]

AREA: Borough, Bankside & Walworth  
WARD: Faraday

[REDACTED]

PRINCIPAL USAGE: R01 - Flat  
PREMISES TYPE: 5 - Privately Owned Rented  
PREMISES ALARM STATUS: N

Feb 5<sup>th</sup>, 2023

Dear Licensing Committee.

Thank you for your continued efforts in bringing this Licensing Review to a decision, please excuse my absence but I could not cancel another [REDACTED] in order to attend today. I trust the historical complaints and the numerous ones since the last meeting demonstrate clearly that this Club can no longer remain open in its current format.

This is not a personal vendetta between a night club owner and a “small select group of residents” as is being portrayed by Mr Enri’s representative. We have had a positive relationship with Mr Enri and are sorry to have had to bring this motion against his business. This is a group of people struggling with the enormous impact of not being able to sleep in their own homes due to noise disturbance on a weekly basis.

Thankfully, since the end of lockdown restrictions the noise team have been entering properties to conduct assessments and they have reported the noise is intrusive to a human’s ability to sleep and pervasive throughout the entire property. The evidence clearly points to it being a continuous issue and ongoing for over 18 months now. This happens every weekend.

As a [REDACTED] I am qualified to inform you that night shift workers have a reduced life expectancy of 10 years. I am also able to inform you that prolonged wakefulness beyond 12am takes 7 days to recover and for the body to repair the damage done. This means sleeping in our flat in the current circumstance constitutes the sleep hygiene of a night shift worker, purely because a night club won’t meet the regulations that are set for it.

I have already referenced the mental health impact in my original supporting statement. It goes without saying that this impact compounds over time. As mentioned at the previous hearing, we were having to move out on weekends to stay with friends or family. This we were doing every weekend. That is why there have been so few further complaints from us to the Noise Night Team since December 2021. As you can see from the screen shots we submitted previously, we had been cordially communicating with Enri to know what nights the club was on. We could then make arrangements to stay elsewhere. Since the submission of the Licensing Review request Enri has understandably been less keen to communicate. We therefore then took to following the nightclub’s Instagram feed, so we knew when the night club planned to be open, allowing us to plan for alternative accommodation. Again, this was every weekend. Tellingly our next communication from Enri was only 2 working days before the submission deadline for this meeting, a full 4 months after the last hearing.

A consequence of this impact meant I could no longer do weekend [REDACTED] services of Southwark. There has been talk of lost earnings by Mr Enri’s representative. My family is having lost earnings and I have no doubt that my fellow residents are facing the same issues as a consequence of this nightclub’s impact.

There is talk of the club supporting the local community, the same local community that I had supported throughout the pandemic in assisting with the vaccine programme as a [REDACTED]



## OTHER PERSON E

**From:** [REDACTED]  
**Sent:** Wednesday, July 6, 2022 7:08 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Cc:** [REDACTED]  
**Subject:** Licensing Review for Southbank Nightclub / L'Estacion 57

To Whom It May Concern,

We are writing to support the licensing review which has been brought against Southbank Night Club/L'Estacion 57 (57-59 Camberwell Road, London, SE5 0EZ.)

We live in close proximity to this venue, and are regularly disturbed by noise and anti-social behaviour from the club, particularly around 5am on Saturday & Sunday mornings when the club closes and people leave.

We've also witnessed very serious outbreaks of violence from club-goers, which at times has spilled over onto our street. For example:

- 16th October 2021 - a fight, where a large group of young people were seen to threaten one another with broken beer bottles
- 31st October 2021 - a large fight involving 20 or more young people. We also witnessed one of them smashing up a car that was parked on our street.

Both of these incidents were reported to the Met's 101 number, and I have video evidence of the 31st October incident.

As well as the disturbed sleep, the proximity of this kind of behaviour makes us fearful for our personal safety. The overall negative effect on our quality of life - and that of the community as a whole - is huge. We don't believe that this establishment is suitable for a residential area, and support the application for the licence to be revoked.

Yours sincerely,

[REDACTED]  
[REDACTED]

## OTHER PERSON F

**From:** [REDACTED]  
**Sent:** Sunday, June 12, 2022 9:57 AM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Cc:** [REDACTED]

**Subject:** South bank Nightclub/Camberwell Road serious disorder

Hi There,

There was serious mass disorder at around 3am this morning behind the south bank nightclub, on red lion row, involving roughly 30 people and numerous smaller groups fighting in the street. This went on from 3:00am until about 4am. Police arrived at 3:30am so I would assume they can provide details of the disorder and any arrests made. I have been informed that numerous complaints have been submitted by local residents after this and previous incidents.

There was also anti social noise on the previous night until 3am on the same road.

I don't understand how a late night license is still in place for this club and other late night locations nearby. It has been the source of serious disruption to residents for years. I have lived here since 2015 and it has never been dealt with adequately.

I note that the attached licensing form expresses concerns in September 2014 regarding management of nuisance and that the EP team objected to the license. Nothing has been put in place and it is disgraceful that the council thinks it is acceptable for this level of disruption to continue to disrupt and endanger local residents.

I also note that a new application has been submitted for the same address. The entire premises urgently needs to be put under review. We should not have to wait for a serious crime to take place for this to be properly reviewed. There is already sufficient evidence that the closing time of the club is causing misery for residents.

Thanks,

[REDACTED]

**OTHER PERSON G**

Date: 28<sup>th</sup> June 2022

Dear Licensing Team,

**Re: Licence Number: 877673**

<b>Trading name and address:</b>	Southbank nightclub 57-59 Camberwell Road SE5 0EZ
----------------------------------	---

I would like to indicate how SouthBank Nightclub are NOT meeting the councils 4 licensing objectives and specific conditions.

**1. The prevention of crime and disorder.**

- Illegal parking around Red Lion Row, Boyson road and surround areas around clubs.
- Antisocial behaviour - crowd noise, car horns , car music, shouting, screaming, fighting along Boundary Lane, Boyson Rd, Camberwell Rd & Red Lion Row.
- Public drinking all night in and around Boundary Lane, Boyson Road/Camberwell/Red Lion Row every Friday and Saturday Evenings.
- Alcohol bottles smashed in street after they leave to enter the bars.
- Properties/Cars damaged after fights in street
- Fights in street after leaving Southbank Night Club

**2. Public Safety**

- Peeing in street everywhere around local area on Boyson Road, Red Lion Row, John Ruskin Rd.
- Public drinking and drunken behaviour
- Fighting after leaving clubs - happened twice in three weeks (see below)
- Safety issue for women in and around nightclub
- Broken bottles in street and kids falling into it potentially

**3. The prevention of public nuisance**

- All of the above where they are clearly not meeting this objective.

**4. The Protection of Children from Harm**

- Impact kids and families being woken up as patrons entering and leaving the venues and Antisocial Behaviour
  - o Impact to family life due to being continually woken up and exhaustion / mental health
  - o Impact to families due to lack of sleep
  - o Broken bottles on street and danger
  - o The disgusting amount of urine on the street and local area

**Example:**

By 5:00am as Southbank Nightclub is closing the last 3 weekends alone:

- 30th October - major fight in street
- 23rd October - very noisy patrons in street
- 16th October - major fight in street

Southbank Nightclub has time and time again they are open, and continue to make excessive noise, beyond their licensed hours and they seem to make no effort to abide by some of their other terms or respect their neighbours, namely against these licensing terms and conditions:

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

**348** - That there shall be no more than 5 persons permitted outside on the frontage, to smoke only.

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

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

**Impact To My Life and family:**

- Stress knowing that Antisocial Behaviour (**ASB**) will happen every weekend
- Cannot enjoy your own home with all the noise and ASB
- o Had my daughter ask what the noise is all about at 5am in the morning one time
- o Had my son wake up from noise during horns beeping
- o Had my wife wake up with me on literally all occasions when this happens
- Lack of sleep due to being woken up multiple times an evening impacting not only weekend but working week
- o Stressing my wife as she doesn't want me to get injured by having to go out to take footage
- Fear due to the violence in streets
- Fear of drunken people
- Worried my car/property will be smashed up
- Safety from smashed bottles and glass around my local area and kids having to dodge hit when going to the shops
- Extreme Exhaustion from total lack of sleep really impacting my working week
- Extreme anger at the situation and helplessness
- Causing arguments between myself and wife and kids due to extreme fatigue
- Stress of having to ring 101, submit noise complaints, being on calls to complain and online submissions at all hours in the evening
- Worried of health due to all the public peeing



- Anxiety of knowing every week you will be kept up by noise and Antisocial Behaviours
- Anxiety due to fight and safety fears
- I have yelled abuse and confronted at patrons when I cant take it anymore when they are too noisy.

Regards,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

## OTHER PERSON H

<[Andrew.Heron@southwark.gov.uk](mailto:Andrew.Heron@southwark.gov.uk)>; Regen, Licensing

<[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>

Cc: [harriet.harman.mp@parliament.uk](mailto:harriet.harman.mp@parliament.uk); [neil.coyle.mp@parliament.uk](mailto:neil.coyle.mp@parliament.uk); Foster, Sam

<[Sam.Foster@southwark.gov.uk](mailto:Sam.Foster@southwark.gov.uk)>

**Subject:** Southbank Nightclub Licence review representation

Dear all,

I have seen that there has been a licensing review initiated for Southbank Nightclub (Licence number 848589). I wish to provide **representation in support of revocation of this licence**, on the grounds of:

1. The prevention of public nuisance
2. The prevention of crime and disorder
3. Public Safety

**Noise:**

I have been living in my residence for around 4 years. I often work away at weekends (more previously than currently), hence sporadic previous complaints to the noise team about the loud noise throughout the night on Fridays and Saturdays. The noise is loud, vibrations can be felt and I am unable to sleep and unable to enjoy my property. I am having to move away on weekends just to be able to sleep due to the noise. This is affecting my sleep, my ability to work, drive and function on following days and ultimately my quality of life.

I refurbished my flat in 2019 and even installed soundproofing (evidence of which can be provided upon request), yet there is still noise and vibrations in the flat from the nightclub.

There have been noise complaints made by myself to the noise team, since 14/10/2018 to this weekend, having called over 10 times (Reference numbers of these calls can be provided upon request).

I have spoken with the owner on a couple of occasions (03/10/2021; 16/10/2021) to kindly ask to turn the music down, explaining my concerns and that it is causing disturbance and is loud in my flat. Both times, I was told explicitly by the owner (Henry/Julius) that he would not turn the music down and that I would need to contact the council if I had any issues. He had a defensive and aggressive affect which made me feel unable to approach him again about this. He attributed the increased noise to the building work being done in the premises above (and lack of soundproofing there), yet there is still noise and the work is almost complete, nullifying this theory. Measuring the noise levels in my flat using my phone (03/06/2022) shows a background noise level of 32dB, and music from the nightclub raising this to between 38-51dB, averaged at 43dB.

The noise team, as you may be aware, are both informally and formally, well known to be ineffective and have not visited my flat (attributed partly to covid and partly to not them getting in contact after me calling, on multiple occasions). I have raised these issues with the licensing team too (emails 05/11/2018; 26/09/2021; 15/10/2021 can be provided upon request).

I have shown that I have spoken with all the necessary teams/parties, on multiple occasions and progressed my concerns in a logical, stepwise manner and have spoken to the owner too, yet nothing has happened.

**Prevention of crime and disorder; Public Safety:**

There has been crowds of people from the nightclub audible on the street (both on camberwell road and behind, where the entrance to the flats are), during nights when the club is functioning. There is a visible increase in litter on Sunday morning compared to on Saturday night around the entrance to the flats and in the bin area, with multiple plastic cups and broken glass bottles, which pose a safety issue when entering/leaving the flat. This is a very regular occurrence. There have also been occasions in the past (none recently though) where the bins (with glass bottles) have been emptied at 05:30 in the morning, which is loud enough to wake me up (with earplugs in).

It is clear to me that Southbank Nightclub has been regularly breaking terms of their licence agreement, under the following conditions:

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

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

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

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

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

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

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

For the consideration of the sub-committee, it should be noted that the area is predominantly residential, with relatively few (less than 5) other nighttime establishments in the vicinity- as such, the opening and close times do not correlate with that recommended in the Southwark Councils "statement of licensing policy 2021-2026 (ref. page 43).

**In summary:**

I would like to provide full support for revocation of the licence, based on the factors above, my personal experience and having gone through all reasonable steps prior

to this. The nightclub is a considerable cause of distress. I wish to be involved with any hearing and if possible at the sub-committee meeting. I would also like this submission to be kept anonymous from the owner, to prevent any future risk of confrontation or harassment from him.

If you require anything further, please get in touch.

Yours sincerely,

██████████  
████████████████████

**OTHER PERSON H SUPPLEMENTARY**

I wish to add to following statement to my previous one (under other person H), directly relating to the period from 07/10/2022 to 04/02/2022:

Since the virtual hearing, the noise has continued. I met with the owner, Enri, the following day (07/10/2022) after the verdict, who advised that he will be organising sound proofing and to contact him if there is music so he can turn it down. He also showed me inside of the night club, showed where they are removing speakers and where they will be installing sound proofing, with a man who introduced himself as a sound engineer, also present.

Of note, I was shown what type of sound insulation that they were planning to install, which included some Rockwool mineral wool insulation (standard wool insulation used in domestic houses) and 'acoustic plasterboard'. I am fully aware that both of these are non-specialist products that would not provide adequate levels of soundproofing, given the situation and I did express my concern over this to Enri, and that it did not seem adequate.

Later that day (07/10/2022 at around 13:05), noise was played and Enri asked me to let him know whether I could hear it or not (Attached messages, p.1). I could hear it, and let him know (Attached messages, p.2). After, when leaving my flat at 13:30, I told him that the noise was still audible in my flat, but his response was (direct quotation noted directly after the conversation) "if we lower it any further, we won't get any customers. The people (once inside) should help to reduce the noise further". When asked directly if I were to message him to let him know if it is too loud, would he turn the music down, he stated "of course, let me know".

A day after, the noise was loud and I messaged him (Attached messages, p.3) , to no avail, with the music still loudly audible in the flat. I even went down to ask him directly, and he essentially refused, stating that he has to keep it at a minimum level. Since then, I have continued to call the noise team (Reference numbers: 49516; 50269; 53256; 54011; 54681; 58143) as Enri was clearly unwilling to reduce the volume of the music, despite talking to him, asking both in person and via messages (Attached messages, p.3,8,9,10) . I even went down to ask him directly at the club on 20/11/2022, after messaging him. After explaining that the music is still very loud, I walked with him to the rear entrance, with loud noise emanating from it. He agreed that there was a lot of noise there, and I mentioned to him that this would be breaking his licensing agreement, as it is noise emanating from outside the building and causing a nuisance. After, he took me inside the club to speak to the DJ, for me to ask them to turn it down. I asked, and the DJ verbally agreed, yet there was no

change in audible volume in both the club and my flat. I told Enri about this, and that the music is continuously being a problem, emanating to my flat and despite him telling me that he will reduce the volume when asked, it doesn't appear to me that he has. Objectively, he states that he turns the music down, yet despite texting him, and receiving replies that he has, there is still the same level of loud audible music present, as witnessed by the noise team when called after messaging Enri, on multiple occasions between October to December inclusive.

On many occasions, the noise is loud enough that a decibel meter is averaging well above 40dB in the flat, and this has been shown on multiple occasions to the noise teams when visiting, along with the ability to recognise the songs that are playing (using the 'Shazam' mobile application). On multiple occasions, officers have visited the premise to ask for the music to be turned down.

Enri called me on the 29/11/2022 at 12:00 to express his frustrations at the noise team visiting, asking me very directly to "please stop calling the noise team" (Quotation written down at time of call). I explained the issue was the volume, he was in control of this and has not managed this effectively. Furthermore, he expressed being unable himself to turn the volume down, which appeared objectively that he is lacking of management and leadership ability within the establishment and lack of authority over his DJ's, stating his need to ask them, and stating "they are the ones who control the volume and not me".

Since then, Enri has failed to engage, lack of replying to messages or turning the music down when asked (both via text message and in person). He called me on the 25th of January as he was getting a sound engineer in to assess and wanted access to my flat. I was working that day, and received no prior notice that this was planned, or any advanced notice of a date, as if I would have known I would have been happy to help. I have expressed that I am happy to help directly to Enri as well as the Environmental Protection team, via email.

In summary, there has been no change to the noise, it is still loud, audible and regularly on weekends, despite engagement with the licence holder always in the first instance, calling the noise team (only because Enri doesn't turn the music down) and messaging Environmental Protection and Licensing teams.

I have continued to need to leave my property due to the noise (Attached messages, p.6), despite engagement with the licence holder, Enri, has on multiple occasions refused to turn the music down, and every other occasion failed to act appropriately in managing the noise situation when asked directly by myself, despite promising to me personally after the virtual hearing to do so. All of this, combined with evidence from Environmental protection and the Noise team, clearly show that the public nuisance caused by the noise and my experience highlighting the recurrent stressful

private noise nuisance, with the licence holder fully aware of this. I feel obliged to point out that it is a great shame that the sound engineer's visit has taken almost four months to organise after the hearing, despite Enri being aware of the noise situation for a very long time. This in turn raises significant concerns as to why this may be.

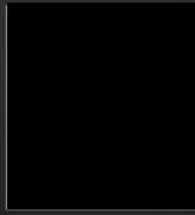
The impact on my sleep, ability to work and study have been affected, and subjectively I feel that it is worse now than prior to the virtual hearing. This has also significantly affected my mental health and I feel that if this continues will affect my physical health too, due to lack of sleep and noise-related stress. I am unable to take on as much work as I would like to, due to the noise and inability to sleep, especially when I would like to work nearby to my flat.

Attachments:

Messages between myself and the license holder, Enri. Please note that due to screen shots being taken in a different country (GMT+2) to the UK, the time zone automatically adjusts message timings. Times displayed before 30/10/22 will be 1 hour later than those stated above and times displayed after 30/10/22 will be 2 hours later than those stated above (due to UK daylight savings).

12:18

3G



Can you hear it now

14:05

?

14:05

Yes, I can hear it

14:05

Is it better?

14:08

Slightly, but I can still hear it

14:09

Ok

14:10

How is it now?

14:14

Less, but I can still hear it

14:14

Any better?

14:17

Same, less, but can still hear it

14:18

Better?

14:23

No, it's sounds the same or a little louder

14:23



iMessage





12:19

3G



Same, less, but can still hear it 14:18

Better? 14:23

No, it's sounds the same or a little louder 14:23

How is it now? 14:24

Less, but can still hear it 14:24

Better? 14:26

Still there 14:28

Can you still hear it? 14:29

Yes 14:30

Any better? 14:31

Sun 9 Oct at 00:42

Hi. I can hear the music in my flat. Can it be turned down please 00:42



iMessage



12:18

3G



Sun 9 Oct at 00:42

Hi. I can hear the music in my flat. Can it be turned down please

00:42

Sun 9 Oct at 02:34

Ok

02:34

Is it ok now?

02:34

No. It's still loud

02:35

Ok

02:35

Mon 10 Oct at 11:50

Sorry I missed your call. Just at work

11:50

Fri 4 Nov at 15:17

Hello , how is going? I hope everything is ok

15:17

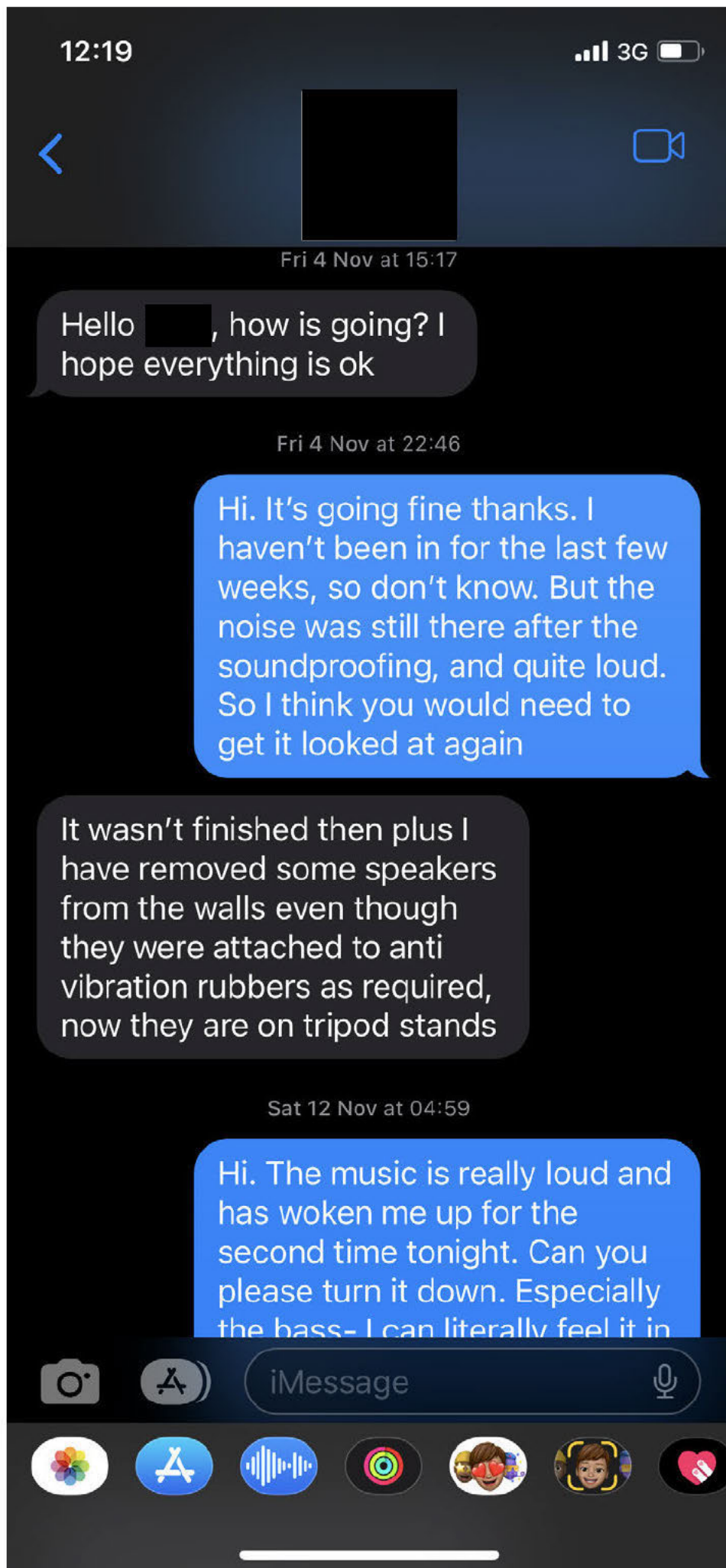
Fri 4 Nov at 22:46

Hi. It's going fine thanks. I



iMessage





12:19

3G 

Sat 12 Nov at 04:59

Hi. The music is really loud and has woken me up for the second time tonight. Can you please turn it down. Especially the bass- I can literally feel it in the walls.

Sat 12 Nov at 10:43

Good morning, sorry to hear that I will look into that when I get to the bar later today. And sorry I just saw your message now

Sure, but it's still ongoing and loud, despite soundproofing. Will you actually do anything about it? Really, you just need to lower the volume

Ok thanks

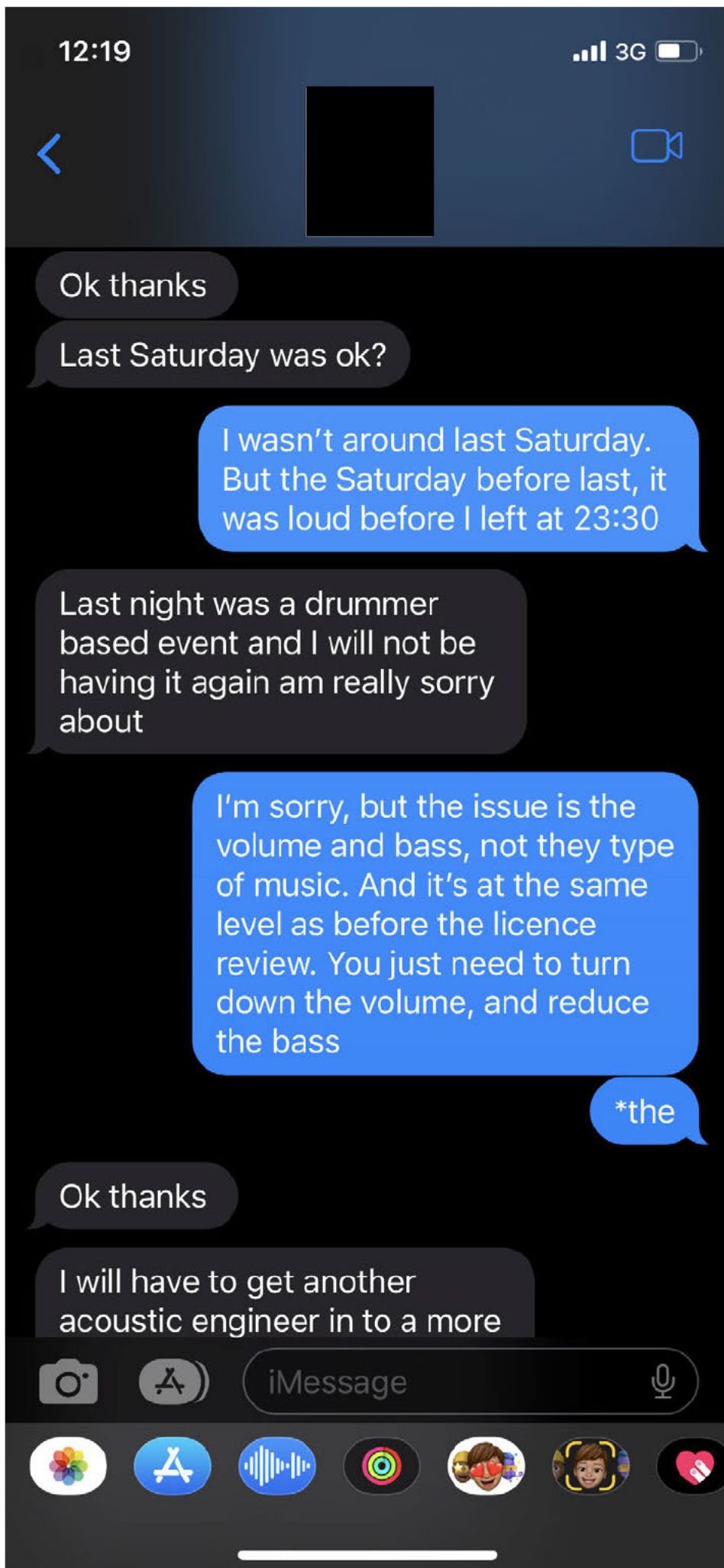
Last Saturday was ok?

I wasn't around last Saturday.



iMessage





13:41

3G



was loud before I left at 23:30

Last night was a drummer based event and I will not be having it again am really sorry about

I'm sorry, but the issue is the volume and bass, not they type of music. And it's at the same level as before the licence review. You just need to turn down the volume, and reduce the bass

\*the

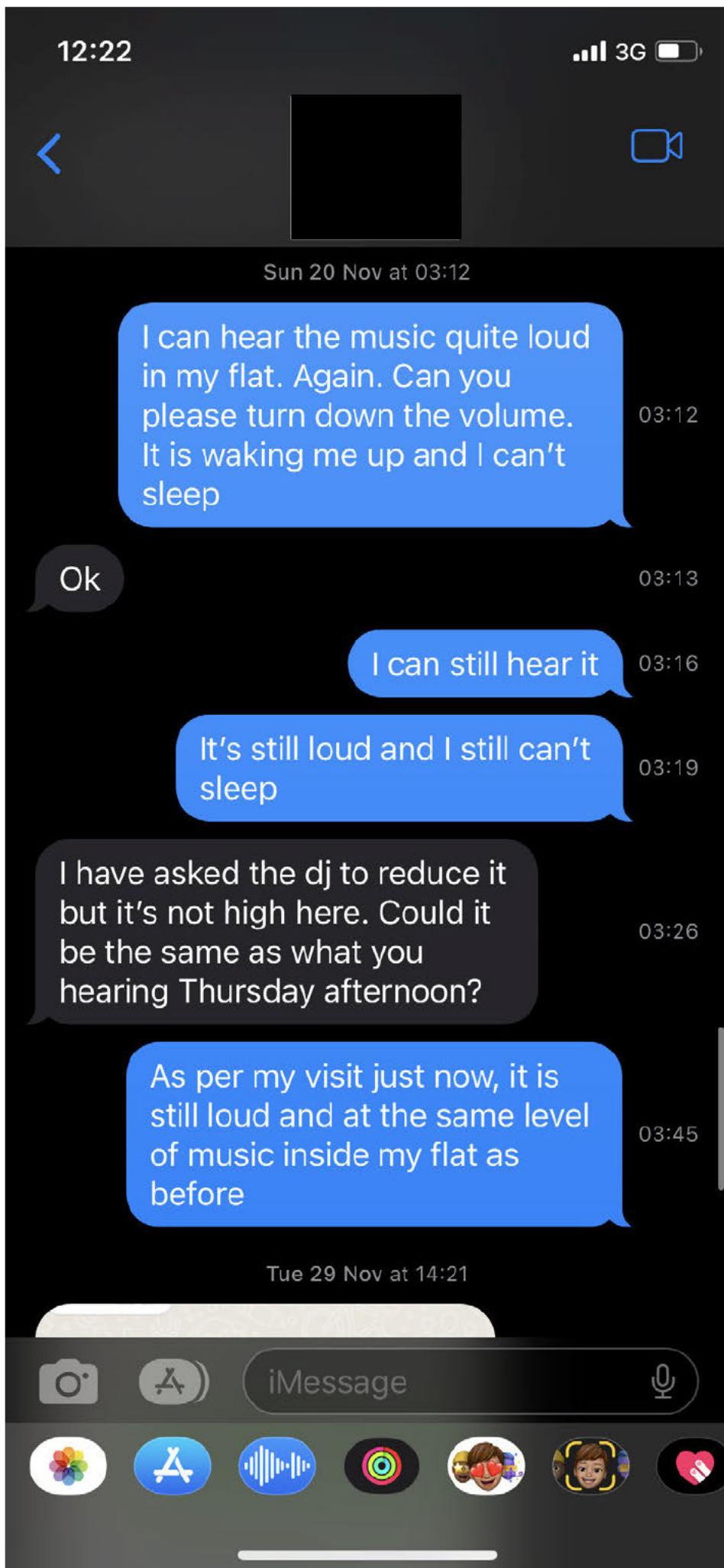
Ok thanks

I will have to get another acoustic engineer in to a more thorough job and give a report and also advise me on how to tackle it because I have to trade and you also need your good sleep on weekends



iMessage





12:23

3G



Tue 29 Nov at 14:21

Today

Please I need to know when we can meet up at the premises to start looking how to go forward

11:29 ✓✓

Hi [redacted] please you may go into my premises to investigate the [redacted] ceilings. I am currently at work. It is the only area I do not believe has any sound proof in it. It is a very high headroom. I am sure [redacted] has confirmed that no sound proof were taken out. 🙏🙏 Please feel free to go and have a look

11:31

Ok thanks but please let your staff know

11:43 ✓✓



14:21

My chat with [redacted]

14:21

Sun 11 Dec at 03:26

It's really loud. Can you please turn it down

03:26

Ok

03:29

Sun 25 Dec at 02:29



iMessage





12:23

3G



work. It is the only area I do not believe has any sound proof in it. It is a very high headroom. I am sure [redacted] has confirmed that no sound proof were taken out. 🙏🙏 Please feel free to go and have a look

11:31

Ok thanks but please let your staff know

11:43 ✓✓

My chat with [redacted]

14:21

Sun 11 Dec at 03:26

It's really loud. Can you please turn it down

03:26

Ok

03:29

Sun 25 Dec at 02:29

Hi. The music is really loud, can you turn it down

02:29

Sun 15 Jan at 01:24

Hi. The music is quite loud. Can you please turn it down

01:24

Delivered



iMessage



OTHER PERSONS SUPPORTING THE PREMISES  
OTHER PERSON 1

Natasha Nunn

**From:** [REDACTED]  
**Sent:** 16 June 2022 16:59  
**To:** [REDACTED]  
**Subject:** Fwd: License review

[EXTERNAL EMAIL] Beware – This email originated outside Dadds LLP and may be malicious Please take extra care with any links, attachments, requests to take action or for you to verify your password etc. Please note there have been reports of emails purporting to be about Covid 19 being used as cover for scams so extra vigilance is required.

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** 16 June 2022 at 16:48:03 BST  
**To:** [REDACTED]  
**Subject:** Fwd: License review

[REDACTED]

Begin forwarded message:

**From:** [REDACTED]  
**Date:** 16 June 2022 at 16:46:52 BST  
**To:** [liscensing@southwark.gov.uk](mailto:liscensing@southwark.gov.uk)  
**Subject:** License review

Dear sir/madam

I write in regards to the notice posted outside 57/59 camberwell road se5 0ez I think it is wrong to treat the only Latin American club that provides entertainment for we the Latino in the community because I own the [REDACTED] and we all go there after work and never experience any disrespect to the neighbours. I have been here [REDACTED] years and there has been any trouble and honestly think it should be stopped and review should not go ahead

Regards,

[REDACTED] p

[REDACTED]

## OTHER PERSON 2

**From:** [REDACTED]  
**Sent:** Thursday, June 30, 2022 2:54 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

30th June 2022

I would like to stress I want to be kept anonymous to any public record.

Dear/madam,

I write to give my opinion on the notice posted outside 57/59 Camberwell road  
I live directly above the night [REDACTED] and the noise is not  
that bad to be asking to revoke the license that provides food for his family and also  
the staff

I think the complaint is highly exaggerated and should be treated as false

I have not experienced any trouble and I would like to stress that la estacion should  
be allowed to continue serving the local community

Kind regards.

[REDACTED]

## OTHER PERSON 3

**From:** [REDACTED]  
**Sent:** Sunday, June 26, 2022 10:44 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Southbank Nightclub La Estacion

Dear Sir/Madam

Regarding the notice posted on and about 57/57 Camberwell Road. It is my belief that the complaint is not fair. I have been his next door neighbour at the furniture shop for about ten years. In all of that time I have not had any problems with him and my experience of him has only been positive. From my perspective it appear he runs a good business.

Regards

[REDACTED]

**Sent:** Wednesday, June 15, 2022 4:43 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Southbank Nightclub La Estación

Dear sir/madam,

Regarding the notice posted on and around 57/59 Camberwell road it is my belief that the complaint in question is an exaggeration and should not be considered truthful.

In my opinion La Estacion is a very well run establishment with a good team of employees and a trustworthy security team.

I have lived directly opposite the venue for 5 years and I have not experienced the same trouble that is quoted on the notice.

This case should be struck from the record and the establishment should be allowed to keep its licence and continue to offer its services to the local community.

Kind regards,

[REDACTED]

[REDACTED]

# Licensing Act 2003 Premises Licence

211

APPENDIX E



Environmental Health & Trading Standards  
Licensing Unit  
Hub 2, 3rd Floor  
PO Box 64529  
London, SE1P 5LX

Premises licence number

848589

## Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Southbank nightclub 57-59 Camberwell Road London SE5 0EZ	
Ordnance survey map reference (if applicable), 177758532435	
<b>Post town</b> London	<b>Post code</b> SE5 0EZ
<b>Telephone number</b>	

<b>Where the licence is time limited the dates</b>
--

<b>Licensable activities authorised by the licence</b>
Films - Indoors Live Music - Indoors Recorded Music - Indoors Performance of Dance - Indoors Entertainment Similar to live/recorded music - Indoors Late Night Refreshment - Indoors and outdoors Sale by retail of alcohol to be consumed on premises

<b>The opening hours of the premises</b>
For any non standard timings see <b>Annex 2</b>
Monday            10:00 - 00:30
Tuesday          10:00 - 00:30
Wednesday       10:00 - 00:30
Thursday         10:00 - 03:00
Friday            10:00 - 05:00
Saturday          10:00 - 05:00
Sunday            10:00 - 00:30

<b>Where the licence authorises supplies of alcohol whether these are on and/ or off supplies</b>
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 - 02:30
Friday	10:00 - 04:30
Saturday	10:00 - 04:30
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 - 02:30
Friday	10:00 - 04:30
Saturday	10:00 - 04:30
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 - 02:30
Friday	10:00 - 04:30
Saturday	10:00 - 04:30
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 - 02:30
Friday	10:00 - 04:30
Saturday	10:00 - 04:30
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 - 02:30
Friday	10:00 - 04:30
Saturday	10:00 - 04:30
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 - 02:30
Friday	23:00 - 04:30
Saturday	23:00 - 04:30
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 - 02:30
Friday	10:00 - 04:30
Saturday	10:00 - 04:30
Sunday	10:00 - 00:00



## Part 2

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


Uwa Enri Julius


**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**

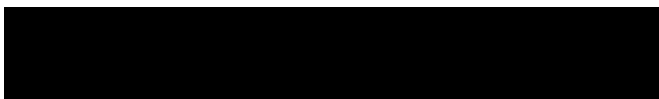
Uwa Enri Julius


**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. 

Authority L.B. of Lewisham

Licence Issue date 28/05/2015



Anti-Social Behaviour, Noise Nuisance &  
 Licensing Manager  
 Hub 2, 3rd Floor  
 PO Box 64529  
 London, SE1P 5LX  
 020 7525 5748  
[licensing@southwark.gov.uk](mailto: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.

**102** The admission of children to films given under this licence must be restricted in accordance with the recommendations of the British Board of Film Classification or of the licensing authority itself.

**491** 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purpose of the condition set out in paragraph (1):

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula  $P = D + (D \times V)$ ,

where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
  - (i) the holder of the premises licence;
  - (ii) the designated premises supervisor (if any) in respect of such a licence; or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or

officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax; (2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**485** (1) The responsible person must 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 -

(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 in a manner which carries a significant risk of undermining a licensing objective;

(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 in a manner carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional poster 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; and

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

**487** The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

**488** (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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 either

- (a) a holographic mark; or
- (b) an ultraviolet feature.

**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;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available,

**Annex 2 - Conditions consistent with the operating Schedule**

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

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

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

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

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

**344** That all doors, including fire doors, shall be kept closed during licensed entertainment except when allowing access and egress.

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

**346** That all live music performances shall be acoustic, other than an electric keyboard with volume control to be used for accompaniment of an artist, with no loud instruments e.g. brass, drums or pipes permitted.

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

**348** That there shall be no more than 5 persons permitted outside on the frontage, to smoke only.

**349** That external waste handling, collections, deliveries and the cleaning of external areas shall only occur between the hours of 08.00hrs and 20.00hrs.

**350** That there shall be no movement of musical equipment from the premises between the hours of 00.00hrs midnight and 08.00hrs.

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

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

- 311** All staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated on a regular basis.
- 353** 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.
- 288** All CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to Officers of the Police and the Council
- 289** That the toilets in the premises shall be checked regularly by staff to ensure that no illegal activities are taking place in them.
- 354** That 'Club Scan', 'Smoke Screen' and biometric monitoring equipment will be installed at the premises and shall be in operation at all times that the premises is in use.
- 355** 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.
- 356** That all regulated entertainment noise levels will be reduced 30 minutes before terminal operating hours.
- 358** All instances of crime and disorder shall be reported to the police.
- 359** An incident book shall be used to record all instances of public disorder.
- 360** Alcoholic drinks may only be consumed within the premises. The management must ensure that no alcohol is consumed outside the premises.
- 361** Clear and prominent notices shall be displayed on the premises advising customers to report any concerns to the management.
- 362** Noise or vibration must not emanate from the premises so as to cause a nuisance to nearby properties.
- 363** 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.
- 364** 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.
- 365** No refuse may be placed into receptacles outside the premises between 22.00 (10pm) and 08.00 (8am).

**366** 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.

**367** The premises shall operate a challenge 25 policy on service and training. Anyone who looks under the age of 25 will be asked for proof of ID. Only valid driving licence, passport or PASS approved age verification cards shall be accepted..

**4AG** 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.

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

**113** This licence allows for the premises to remain open for the sale or supply of alcohol for non standard timings as stated below on the following days: New Years Eve 10.00-04.30

**114** This licence allows for the premises to extend the following licensable activities for non standard timings as stated below on the following days: Provision of regulated entertainment  
Films, Live Music, Recorded Music, Performances of Dance, Anything of a similar discription. New Years Eve 10.00-04.30

**115** This licence allows for the premises for the provision of late night refresment for non standard timings stated below on the following days: New Years Eve 23.00-04.30

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

**112** This licence allows for the premises to remain open for non standard timings stated below on the following days: New Years Eve 10.00-05.00

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

**607** That three (3) SIA registered door staff be employed from 2200 on Thursday, Friday, Saturday and New Year's Eve until the terminal hour.

**840** That the rear fire exit shall not be used as an entrance or exit except in emergencies.

**841** That the rear fire exit be alarmed.

**842** That the rear fire exit have a sign posted stating 'No entrance or exit except in emergencies' inside and out.



**Annex 4 - Plans - As per application of July 2014**



**NOTICE OF DECISION**

**LICENSING SUB-COMMITTEE – 8 September 2014**

LICENSING ACT 2003 – Southbank Night Club, 57-59 Camberwell Road, London, SE5

1. That the application by Enri Julius for a grant of a Premises Licence issued under the Licensing Act 2003 in respect of Southbank Night Club, 57-59 Camberwell Road, London, SE5 is granted as follows:

Licensable Activity	
Films (indoors)	Sun – Wed from 10.00 – 00.00 Thurs from 10.00 to 02.30 Fri, Sat and New Year's Eve from 10.00 – 04.30
Live music (indoors)	Sun – Wed from 10.00 – 00.00 Thurs from 10.00 to 02.30 Fri, Sat and New Year's Eve from 10.00 – 04.30
Recorded Music (indoors)	Sun – Wed from 10.00 – 00.00 Thurs from 10.00 to 02.30 Fri, Sat and New Year's Eve from 10.00 – 04.30
Performance of dance (indoors)	Sun – Wed from 10.00 – 00.00 Thurs from 10.00 to 02.30 Fri, Sat and New Year's Eve from 10.00 – 04.30
Late night refreshment	Sun – Wed from 23.00 – 00.00 Thurs from 23.00 to 02.30 Fri, Sat and New Year's Eve from 23.00 – 04.30
Sale and supply of alcohol on the premises	Sun – Wed from 10.00 – 00.00 Thurs from 10.00 to 02.30 Fri, Sat and New Year's Eve from 10.00 – 04.30
Opening hours	Sun – Wed from 10.00 – 00.30 Thurs from 10.00 to 03.00 Fri, Sat and New Year's Eve from 10.00 – 05.00

2. Conditions

In addition to the decision as above, the following conditions, as determined by the subcommittee, will apply:

1. That three (3) SIA registered door staff be employed from 2200 on Thursday, Friday, Saturday and New Year's Eve until the terminal hour.
2. That the rear fire exit shall not be used as an entrance or exit except in emergencies.

3. That the rear fire exit be alarmed.
4. That the rear fire exit have a sign posted stating 'No entrance or exit except in emergencies' inside and out.

That the following conditions, as conciliated with the environmental protection team, will apply:

### **Works conditions**

5. That before the premises license can take effect install self-closers, acoustic seals and brushes to the doors/fire doors to the external, to the ground floor and at the top and bottom of the entrance stairs (self closers shall be in accordance with BS 6459 Pt. 1 1984).
6. That all doors shall open in the direction of escape.
7. That before the premises license can take effect sound insulation shall be installed to baffle the ventilation and air extraction inlets and outlets to prevent sound escape from the premises.
8. That before the premises license can take effect the licensee shall install noise insulation of an adequate specification to party walls, floors and ceilings.
9. That before the premises license can take effect install noise insulation to any air handling plant/condensers/etc. to ensure sound output is 10 dB(A) below the lowest L90 15 min relevant in the period the plant will be operational.
10. That before the premises license can take effect the applicant shall submit details of the noise insulation and containment proposed for the premises, for approval by the EP Team, and, shall undertake the approved works. (Note – specification – 100mm Polystyrene, 150mm Acoustic Rockwool & Marine Plywood.)

### **Management conditions**

11. That the applicant shall have an appropriate sound limiting device fitted to the basement.
12. That the sound limiting device/s shall be set to ensure that the maximum levels of volume and bass permitted by the system ensure any music, speech or song from licensed entertainment is not audible in nearby residential premises or causes a public nuisance in the vicinity of the premises.
13. That should there be any change to the equipment involved in the broadcast or limiting of sound from licensed entertainment the sound limiter shall be re-set, in conjunction with a qualified sound engineer, to ensure that any music, speech or song from licensed entertainment is not audible in nearby residential premises nor will cause a public nuisance in the vicinity of the premises.
14. That the sound limiting device shall be maintained at the set level there-after.
15. That all audio and musical equipment used in the premises shall be played through the installed sound limiting device.
16. That any additional amplification equipment imported on to the premises by third

parties shall be connected to and use the installed sound limited circuit.

17. That all doors, including fire doors, shall be kept closed during licensed entertainment except when allowing access and egress.
18. That all speakers for the broadcast of sound within the premises shall be isolated from the structure of the premises by anti-vibration mountings or mats.
19. That all live music performances shall be acoustic, other than an electric keyboard with volume control to be used for accompaniment of an artist, with no loud instruments e.g. brass, drums or pipes permitted.
20. That there shall be no drinks permitted outside on the frontage.
21. That there shall be no more than 5 persons permitted outside on the frontage, to smoke only.
22. That external waste handling, collections, deliveries and the cleaning of external areas shall only occur between the hours of 08.00hrs and 20.00hrs.
23. That there shall be no movement of musical equipment from the premises between the hours of 00.00hrs midnight and 08.00hrs.
24. That suitably qualified or experienced persons shall be employed at all times whilst the entertainment is being provided and shall take all reasonable steps to ensure that patrons will not cause a nuisance to the neighbourhood.
25. That announcements shall be made and notices provided to request that patrons leave in a quiet and orderly manner that is respectful to neighbours.

### 3. Reasons for the Decision

The reasons for the decision are as follows:

The licensing sub-committee heard evidence from the applicant's representative, the council's environmental protection team and a local resident.

The applicant's representative advised that he had taken over the premises in October 2013. It was his intention to separate the ground floor and the basement, and to surrender the current licence (no. 844738). The new application was in respect of the basement only, which they intend to operate as a nightclub.

The applicant advised that licensing officers inspected the premises shortly after his arrival in November 2013, and found a number of breaches to the licensing conditions. The applicant advised that the premises is now fully compliant with the conditions of the current licence. In response to the written objections from local residents, the applicant advised that the majority of complaints related to incidents which took place prior to his taking over management of the premises. He had operated six temporary event notices which terminated as late as 0500 and there has been no complaints. The applicant advised that as only the basement will be operating, this will reduce the maximum number of patrons from 440 to 220, and further protect local residents from noise nuisance. In response to complaints regarding patrons congregating outside the venue and on Boundary Lane, the applicant advised the rear fire exit would only be used in case of emergency.

The applicant advised that they had further discussions with the environmental protection

team and had agreed to their suggested conditions. The representative of the environmental protection team noted that the team do not have any problems with the new management, and there had been no complaints received from the TENs run by the applicant. The environmental protection team offered 21 conditions which had been agreed by the applicant, and were sufficient to satisfy their concerns.

The local resident advised that there had been issues relating to noise nuisance and patrons congregating outside the premises. He noted that the historical issues were with noise from the basement, which he hoped would be mitigated by the conditions suggested by the environmental protection team. He advised that he had no complaints in relation to the new management of these premises. The sub-committee noted the written representations of the other six local residents.

The sub-committee noted that the applicant intended to surrender the current licence (no. 844738) as soon as this licence comes into effect.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that the conditions determined by the sub-committee above are necessary and proportionate for the prevention of public nuisance and crime and disorder.

#### 4. Appeal Rights.

The applicant may appeal against any decision –

- a) to impose conditions on the licence
- b) to exclude a licensable activity or refuse to specify a person as premises supervisor

Any person who made relevant representations in relation to the application who desire to contend that

- That the licence ought not to be been granted; or
- That on granting the licence, the Licensing Authority ought to have imposed different or additional conditions to the conditions of the licence, or ought to have modified them in a different way.

may appeal against the decision

Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

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

Date: 8 September 2014

**From:**  
**Sent:** Wednesday, March 1, 2023 11:52 AM  
**To:** Heron, Andrew  
**Subject:** Fwd: Noise complaint statement

From the current tenants.

XXX will voice this tomorrow.

Begin forwarded message:

**From:** >  
**Date:** 1 March 2023 at 11:43:05 GMT  
**To:**  
**Subject:** Noise complaint statement

Hi XXXXX and XXXXX,

Please find mine and XXXXX statement below.

As current residents of [REDACTED] we can confirm the music coming from the bar La Estacion is unbearable. Not only ridiculously loud but continues to the early unsociable hours of the morning Friday, Saturday AND Sunday night. We have noted hearing the music until 5am every weekend and on Sundays sometimes until 2/3am. We have made continuous complaints to the council and have had the noise complaint police visit our residents to confirm the sound is excessive. We have restrained ourselves from calling the police on multiple occasions as we cannot wait for their visits at 4/5am as we have to at least try to get some sleep using ear plugs/defenders before going to work the following morning. Our only escape is to physically not sleep in our flat or bang our heads against the pounding wall until we fall unconscious. Considering we are X floors up from the bar and still feel like we are stood in the middle of the dance floor due to the volume of music, the sound is a disrespect to the surrounding residents of Camberwell Road.

Signed,

XXXXX & XXXXX

# ACOUSTIC TECHNICAL NOTE

Reference:	12473.ATN01.LSN.0
From:	██████████
Date:	27 February 2023
Project:	La Estacion 57
Subject:	Noise Limiter Setting

## 1.0 INTRODUCTION

Occupants of residential properties in proximity to the La Estacion 57 premises Camberwell Road, Southwark, London have previously made complaints with regard to noise break-out from the premises.

The operators of the venue have instructed RBA Acoustics to undertake an assessment of noise emissions from the premises to the adjacent properties. This included the setting of a noise limiter device such that music noise within the premises will not lead to unacceptable disturbance to residents.

## 2.0 HISTORIC INVOLVEMENT

RBA Acoustics were previously involved with this premises in 2010 (when it was known as D'Eclipse) and undertook assessments of noise issues associated with the venue when in operation. This led to a series of recommended mitigation works and attendance at a limiter setting exercise on 30 June 2010. As part of the limiter setting exercise, noise levels were set onto the system which were considered to not give rise to unacceptable noise levels within the D'Eclipse premises. For the sake of clarity, these are repeated below:

Table 1: 2010 Noise Limiter Setting Levels

Sound Pressure Level $L_{eq,2min}$ (dB) at Octave Band Centre Frequency (Hz)								Overall dBA
63	125	250	500	1k	2k	4k	8k	
95	89	84	85	82	85	81	72	90

## 3.0 2023 INVOLVEMENT

Following recent resident complaints, RBA Acoustics liaised with representatives of London Borough of Southwark to agree an appropriate method of assessing noise transfer to the affected properties.

Unfortunately, due to difficulties in arranging access, an assessment of noise transfer during a trading period was not possible. However, it was agreed that access to the ██████ Floor flat ██████ the La Estacion premises could be given during a morning period on Saturday 25<sup>th</sup> February 2023. Although the premises were not trading, it was considered that this was a "best compromise" position to enable a limiter setting exercise to be undertaken in the timescales permitted.

Music was initially played through the in-house sound system at the maximum permissible volume. This was considered to be excessive and likely to cause noise disturbance and hence adjustments to the noise limiter setting were made.

I then gained access to the residential property which is considered to be the worst affected by music noise from La Estacion. The occupant of the flat noted that the music levels at that time were significantly lower

than he had experienced before (potentially as a result of the initial limiter setting adjustments). Subjectively, I considered the levels to be generally acceptable although marginally above those I would consider desirable given the late night operation of the premises. A subsequent adjustment was then made to the limiter setting within the premises which resulted in noise transfer to the residence being acceptable in my opinion.

It should be noted that although the measurements and limiter adjustment was undertaken during the daytime, the assessment position was the rear bedroom of the property and hence not affected by road traffic sources along Camberwell Road. The background noise levels in the absence of any music noise were measured at 27dBA which is 3dB below the WHO and British Standard guidelines indicating that this is indeed a quiet location.

Following the final adjustments to the noise limiter, the resultant levels were noted as follows:

Table 2: 2023 Noise Limiter Setting Levels

Sound Pressure Level $L_{eq,2min}$ (dB) at Octave Band Centre Frequency (Hz)								Overall dBA
63	125	250	500	1k	2k	4k	8k	
94	84	82	91	89	85	80	77	92

As can be seen from comparison of the above levels with those detailed in Table 1, noise levels at the critical low frequencies (which reflect the degree of bass music noise transfer) are now set to levels lower than were determined during the 2010 limiter setting exercise.

It is also worth noting that noise break-out via the rear fire doors to the yard area at the rear of the premises was barely audible.

## 4.0 RESIDENT FEEDBACK

Following the limiter setting adjustment, I discussed the resultant noise levels with the occupant of the flat who suggested that this was a significant improvement to historic conditions. He did, however, note that this would only be possible to determine during a night-time period. We therefore agreed that he would send me a message during that nights trading of La Estacion in case noise levels were excessive and that I would then attend the flat to make further measurements. I did not receive any calls or messages on Saturday night which I believe reinforces the suggestion that noise levels at the current limitations are acceptable.

## 5.0 CONCLUSION

RBA Acoustics have undertaken a noise limiter setting exercise at the premises known as La Estacion 57, Camberwell Road.

Resultant noise transfer to the worst affected residential property was considered to be acceptable and the permitted levels within the La Estacion premises at the critical "bass frequencies" are lower than was determined during a similar exercise in 2010.

The occupant of the residential property did suggest that these levels were acceptable during our visit and did not make contact with RBA Acoustics (as had been suggested) during the subsequent Saturday night trading to highlight a noise issue.

It is therefore considered that the current noise limiter settings are acceptable and would not lead to noise nuisance being caused to nearby residents.



## APPENDIX I

**From:** Prickett, Mark <Mark.Prickett@southwark.gov.uk>  
**Sent:** Monday, February 27, 2023 5:11 PM  
**To:** Heron, Andrew <Andrew.Heron@southwark.gov.uk>  
**Subject:** RE: EPT rep - La Estacion / Southbank Nightclub, 57-59 Camberwell Road

Dear Andrew,

To add to EPT's representation which was submitted as attached on February 9<sup>th</sup>, it is pertinent to now add one further complaint to the log ahead of Thursday's sub-committee hearing.

The complaint details are below, whereby another statutory noise nuisance was witnessed by a Southwark Council noise officer due to loud music from the La Estacion / Southbank Nightclub, 57-59 Camberwell Road premises.

Date	Time rec'd	CMU ref	Receiving team	Details of complaint	Officer visited?	Notes	Property ref (to differentiate between complainants)
<b>2023</b>							
Sunday 12 <sup>th</sup> February	21:21	993893	Noise and Nuisance Team (N&NT)	"Loud bar called L'estacion 57 pounding music"	Yes	Noise officer notes: "visit made 22:35 flat located above parade of commercial premises on busy high street / main road, accessed at rear on arrival to communal entrance to flats amplified latino / salsa style music audible at pavement of boundary lane, coming from black metal door. assessed in flat, purpose built above shops floor, same style music audible in communal stairwell walking up to the flat. initially assessed in the kitchen/lounge window was open, no tv, comp wasnt using at the time. latino style music clearly audible above level of background noise from passing traffic from busy road, windows on camberwell road facade, closed window at 22:40 music more prominent and predominant noise source, beats and tune clearly audible and intrusive, above background noise levels with window closed. continuous and ongoing. Moved to bedroom adjacent to the kitchen. Comp advised struggles to sleep at the weekend when it goes on into the early hours. same style music audible at 22:45 slightly louder in the bedroom than the lounge, <b>predominant noise source, in escapable and at a level which would prevent sleep and a statutory nuisance</b> , clearly audible during speech, at a level above the background noise from busy road, window on camberwell road facade. continuous and ongoing when left the property at 22:55. Traced source to La Estacion musica, same style music audible at street level, stairs leading to basement when basement door open noise level increased significantly. at 23:00 spoke to door supervisor who advised dps /owner just popped out, he tried to call him, at 23:10 door supervisor	Property C

						advised he isnt picking up and that he messaged him aswell but no response. he advised volume reduced (?) and that premises would be shut at 23:30 and people would be leaving in ten mins. left area at 23:12.		
							<b>Statutory noise nuisance witnessed by Southwark Council Noise Officer.</b>	

With regards to an ongoing planning enforcement investigation referred to in the EPT rep, the following response from a planning enforcement officer was received by EPT today, 27<sup>th</sup> Feb 2023:

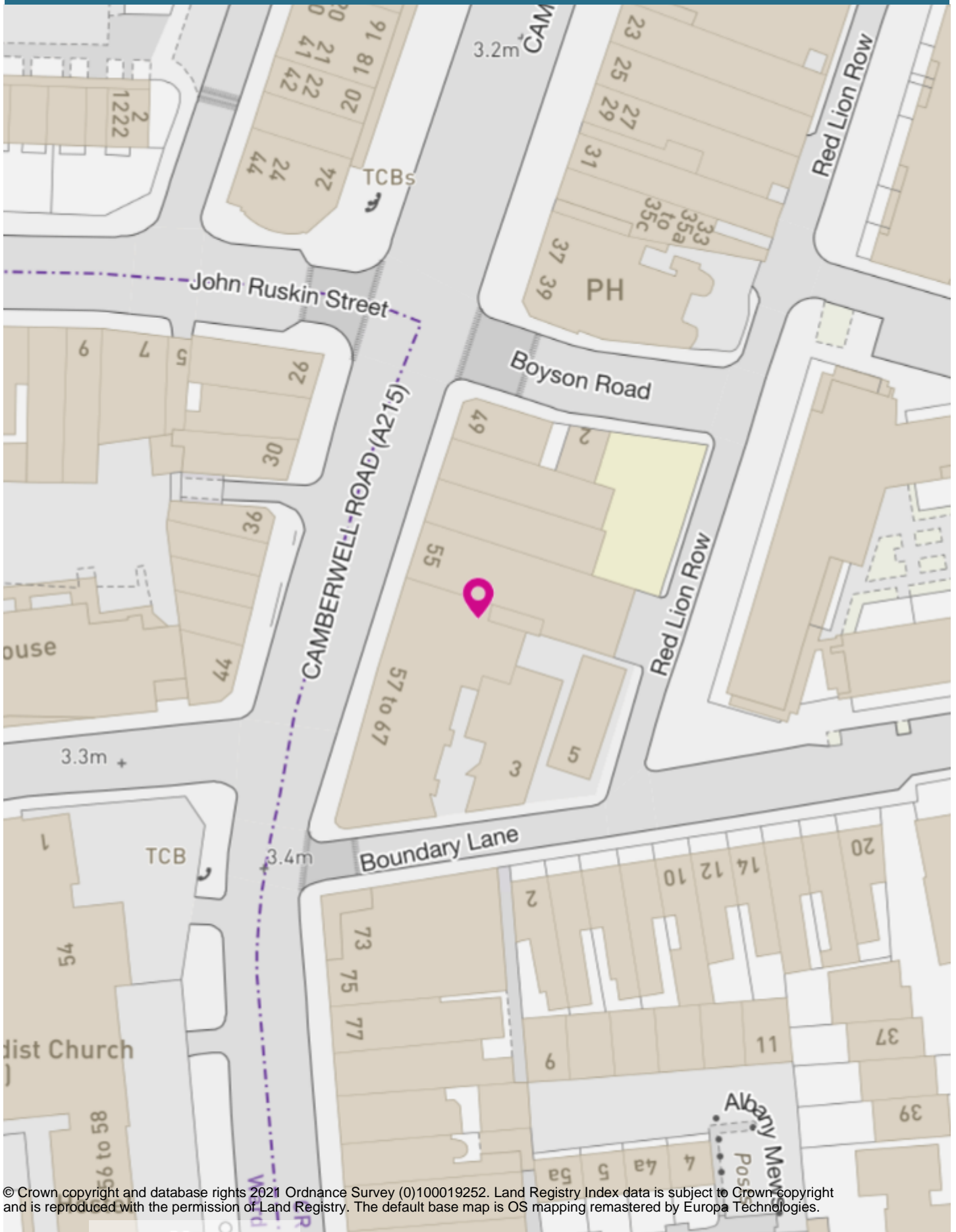
*“To update you on the matter, I have briefly investigated the site and complaint and have not found any evidence to contradict the continued use of the unit as a bar/club for the over the past 10 years. Google Streetview Imagery dating back to August 2008 supports the use as exists, despite the change of business name – it is clear that the unit has a longstanding separate entrance.*

*Whilst we are not sure of the lawful use of the site, at the moment we will not be taking action. We are unlikely to pursue this complaint any further as we would struggle to convince an inspector that the site is in any use, other than a club. Our records show that complaints of the same nature have been received by the team in 2007, 2010 and 2014 which again supports the current use.*

*Whilst we refused an application in 2015 for the retention of the nightclub, the application form submitted states that the use began in 2006.”*

Kind regards,

**Mark Prickett**  
**Principal Environmental Protection Officer**



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