### **APPENDIX B 1**

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

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

Dear All

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

Kind regards

Jean Adams
Dadds LLP Licensing Solicitors

## **MEMO: Environmental Protection Team**

| То     | Regen.licensing;             | Date      | 06/07/2022     |     |               |  |  |
|--------|------------------------------|-----------|----------------|-----|---------------|--|--|
| Copies |                              |           |                |     |               |  |  |
| From   | Ken Andrews                  | Telephone | 020 7525 54258 | Fax | 020 7525 5728 |  |  |
| Email  | ken.andrews@southwark.gov.uk |           |                |     |               |  |  |

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

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

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

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

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

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

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

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

Kind regards

Ken

Ken Andrews - Principal Environmental Health Officer



Ms Debra Allday Senior Solicitor – Regulatory Team London Borough of Southwark 160 Tooley Street LONDON SE1P 5LX Our Ref: dd/cw/JUL1-1

Your Ref:

3rd August 2022

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

Dear Ms Allday

#### <u>La Estacion, 57-59 Camberwell Road, Camberwell, London SE5 0EN</u> Application for Review

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

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



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

We look forward to hearing from you.

Yours sincerely

Dadds

**Dadds LLP Solicitors** 

Encs

cc: andrew.heron@southwark.gov.uk

|       | Resident/<br>Dwelling | 2019 | 2020 | 2021 | 2022 | Alleged<br>Complaint | Corroborated | Same<br>building as<br>premises<br>yes/no |
|-------|-----------------------|------|------|------|------|----------------------|--------------|---|
|       | Α                     | Nil  | Nil  | 5    | 3    | 8                    |              |   |
|       | В                     | Nil  | Nil  | 1    | Nil  | 1                    |              |   |
|       | С                     | Nil  | Nil  | 1    | Nil  | 1                    |              |   |
|       | D                     | 1    | Nil  | Nil  | 1    | 2                    |              |   |
|       | E                     | Nil  | Nil  | 1    | Nil  | 1                    |              |   |
|       | F                     | 1    | Nil  | Nil  | Nil  | 1                    |              |   |
| Total | 6                     | 2    | Nil  | 8    | 4    | 14                   |              |   |