

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

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

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

Kind regards

Ken

Ken Andrews - Principal Environmental Health Officer

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

Our Ref: dd/cw/JUL1-1

Your Ref:

3rd August 2022

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

Dear Ms Allday

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

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

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

Dadds Solicitors

[Redacted signature block]

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

We look forward to hearing from you.

Yours sincerely

Dadds

Dadds LLP Solicitors

Encs

cc: andrew.heron@southwark.gov.uk

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

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