



**POLICE**

The Licensing Unit  
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London  
SE1 2QH

**Metropolitan Police Service**  
**Licensing Office**  
Southwark Police Station,  
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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: .....



# Notification of alleged offences under the Licensing Act 2003

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

Address: 57-59 ARBORNALL 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 PS.

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

**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

| Date                             | Time rec'd | CMU ref | Receiving team                 | Details of complaint  | Officer visited? | Notes   | Property ref (to differentiate between complainants) |
|----------------------------------|------------|---------|--------------------------------|---|------------------|---|--|
| <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."<br><br>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.<br><br>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

|  |       |        |      |   |   |   |                   |
|--|-------|--------|------|---|---|---|-------------------|
| Saturday<br>26 <sup>th</sup><br>November | 22:45 | 989684 | N&NT | "loud noise coming from a night club"   | Yes.<br><b>Statutory nuisance witnessed</b> | <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> | Property <b>A</b> |
| Sunday<br>20 <sup>th</sup><br>November   | 02:24 | 989282 | N&NT | "Loud music from Nightclub under flats" | Yes   | <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>   | Property <b>A</b> |

## 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.<br><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<br>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 <b>A</b> |
| Saturday<br>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 <b>A</b> |
| Monday<br>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</b> |
| <b>2021</b>                            |       |        |      |   |  |  |                   |
| Monday<br>29 <sup>th</sup><br>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 <b>C</b> |
| Sunday<br>28 <sup>th</sup><br>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 <b>C</b> |



## 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<br>27 <sup>th</sup><br>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<br>26 <sup>th</sup><br>September   | 01:55 | 962934 | N&NT | “57 Camberwell Road - Loud music”  | No  | Noise officer linked complaint to 962914.  | Property <b>A</b> |
| Saturday<br>25 <sup>th</sup><br>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<br>20 <sup>th</sup><br>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 September).</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<br>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:<br><br>“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.<br><br>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.<br><br>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.<br><br>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.”<br><br>Copy of warning letter in <b>Appendix E</b> .   | Property <b>D</b> |
| <b>2020</b>                              |       |        |     |   |     |  |                   |
| Thursday<br>3 <sup>rd</sup><br>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.<br><br>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.<br><br>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.<br><br>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.<br><br>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<br>5 <sup>th</sup><br>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<br>2 <sup>nd</sup><br>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<br>2 <sup>nd</sup><br>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<br/>"Compliance Visit. Premises closed and non-operational ATOV."</li> </ul> | Property D |
| Sunday<br>27 <sup>th</sup><br>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.<br/>"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<br>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 eternal 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><br>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.

**APPENDIX E**



**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      |                   |
| TRUE COPY OF THE NOTICE THAT  |                   |
| I SERVED ON:                  |                   |
| 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.

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.

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.

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

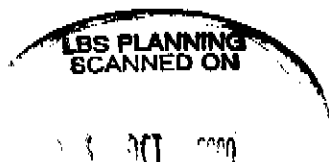


Director of Regeneration and Environment

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

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**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><br>OPEN   | <b>Date:</b><br>04/08/2015                | <b>Meeting Name:</b><br>Delegated |
| <b>Report title:</b>                     | <b>Development Management planning application:</b><br>Application 15/AP/2396 for: Full Planning Permission<br><br><b>Address:</b><br>57-59 CAMBERWELL ROAD, LONDON, SE5 0EZ<br><br><b>Proposal:</b><br>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

| Background Papers   | Held At  | Contact   |
|---|--|---|
| Site history file: TP/2064-57<br>Application file: 15/AP/2396<br>Southwark Local Development Framework and Development Plan Documents | Chief executive's department<br>160 Tooley Street<br>London<br>SE1 2QH | Planning enquiries telephone:<br>020 7525 5403<br>Planning enquiries email:<br>planning.enquiries@southwark.gov.uk<br>Case officer telephone::<br>020 7525 7451<br>Council website:<br>www.southwark.gov.uk |

## APPENDICES

| No.               | Title                           |
|-------------------|---------------------------------|
| <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



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

**Noise & Nuisance Team**  
**Phone - 020 7525 3171**  
**Our reference: 831257**

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

ENVIRONMENTAL PROTECTION ACT 1990, SECTION 80

Abatement Notice in Respect of Statutory Nuisance



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: [Redacted Signature] Renato Morgante Noise Enforcement officer

Dated: 22 April 2016

KX 0608 5689 0GB

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..... [Redacted Signature]

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 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

## 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)

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**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