

Mills, Dorcas

APPENDIX C

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

Dear Dorcas

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

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

My concerns are detailed below.

Public safety

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

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

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

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

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

Public Nuisance

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

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

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

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

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

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

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

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

Crime and disorder

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

Regards

18 May 2010

Events of Sunday 1 March 2009

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

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

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

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

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

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

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

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

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

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


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

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

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

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



 Camberwell Road

1 March 2009

PARTY B

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

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

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

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

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

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

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

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

Signed
[REDACTED]

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

The message was checked by ESET Smart Security.

<http://www.eset.com>

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

Dear Dorcas

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

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

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


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

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

Kind regards

[REDACTED]
[REDACTED] Camberwell Road

PARTY D




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

17th May 2010

To whom it my concern,

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

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

I feel very vulnerable exiting and entering my flat .

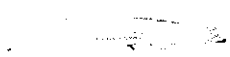
The noise from the rear door of the club,directly under our flats is asbsurdly loud and clearly audible from outside.

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

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

I hope some respectful compromise can be met,

Yours sincerely



[REDACTED]

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



[REDACTED]

1) Camberwell Road
London
SE5 0EZ

Southwark Licensing Team
Chaplin Centre
Thurlow Street
London
SE17 2DG

Objection against license application no. 831843

Dear Sir/Madame,

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

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

Our flat is located at 1) Camberwell Road, about 20 meters down the road from the above mentioned premises. In the past we have been often awoken in the middle of the night by drunken, screaming and shouting crowds spilling out from DEclipse Bar onto the street and passing by in front of our building. This has been rather disturbing especially since, as many of the nearby buildings, ours as well is a period terrace house converted into flats with old single glazed sash windows which provide very low level of sound insulation against external noise.


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


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

Yours faithfully,


19/05/2010

PARTY F



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

Dear madam

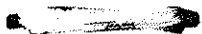
I currently reside at  Camberwell Road (not the owner but pay council tax etc) over the furniture store next to D'Eclipse Bar & Restaurant and request to add my support to have a review of the licence for these premises.

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

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

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

Regards



 Camberwell road

18th May 2010

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

19/05/2010

PART 1 G

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

Dear Licensing Team,

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

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

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

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

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

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

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

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

Many thanks,
Yours Sincerely,

20/05/2010