



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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/ 2840/16

Date: 15th November 2016

Re:- The Lost Rivers, The Artworks, Elephant Road SE17 1AY

Dear Sir/Madam

Police are in receipt of an application from the above for a new premises licence to be granted under the licensing act 2003.

This is a multi function multi use space that will contain a variety of businesses, some of which will be selling alcohol and food for consumption on and off the premises.

The following conditions are to be considered for the promotion of the four licensing objectives, in particular the prevention of crime and disorder. Some of the conditions have been offered as part of the operating schedule but the wording is crucial to negate ambiguity.

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the licenced area and all areas used for licensable activities.
2. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download the footage upon request.
3. That all staff involved in the sale of alcohol are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
4. That two SIA registered door supervisors will be engaged when the premises are in operation. They will be employed at all times the licence is in operation until the end of business and all patrons have vacated the premises they will

be engaged to monitor admission and re-admissions to the premises, security, protection, screening and dealing with conflict.

5. That four SIA registered door supervisors will be engaged when the premises are in operation and DJ or MC are performing to recorded music or Live music is being played.
6. That no spirits (alcohol containing more than 20% ABV) shall be sold by the bottle or half bottle.
7. That suitable notices shall be displayed and announcements made requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents

The Following is submitted for your consideration, Police would welcome the opportunity to conciliate with the applicant should the need arise.

Yours Sincerely

PC Graham White 288 MD
Southwark Police Licensing Unit

From: Earis, Richard
Sent: Thursday, October 27, 2016 9:08 AM
To: Regen, Licensing
Cc: 'njb@lostriversbrewery.co.uk'; Newman, Paul
Subject: License application 701922: The Artworks Elephant Road

RE: New premises license - The Lost Rivers Ltd
CMU 843383

I have considered the above application and I wish to object to this license application on the grounds of public nuisance.

I strongly recommend that the license is refused for the following reasons:

The application includes live and recorded music, plays, films and performance of dance until 23:00 Sundays, 00:00 Monday to Thursday and 01:00 on Fridays and Saturdays, outdoors in a semi-open arena with a tented cover. This is extremely likely to result in a Public Nuisance. Most usual measures and standard conditions to control noise breakout from premises would be impossible to apply. It would be impossible to run most events regularly to the hours proposed in this outdoor arena as the noise limits necessary to prevent public nuisance would be so low as to make the events unfeasible.

There is inadequate detail in the application on how a public nuisance would be prevented. There is no risk assessment and almost no detail of measures that would be used to prevent public nuisance. The sub-committee's attention is drawn to s.111 of the Statement of Licensing Policy, and the matters that indicate whether the applicant can demonstrate a commitment to high standards of management, and to the lack of any reference in the application to best practice in the operation of open air music venues. The applicant has not conducted a risk assessment of the likelihood of their outdoor music activities causing public nuisance to nearby residents, and has therefore not followed s.216 of the Statement of Licensing Policy. The sub-committee's attention is drawn to relevant considerations listed at s.217, particularly controlling disturbance that may be caused by the use of external areas. The application does not comply with Southwark's Licensing Policy in relation to outdoor areas which at S.224 states (amongst other relevant points) '*Some simple management controls can be put into place which can significantly reduce the risk of nuisance caused to local residents by customers outside of licensed premises. Consideration should be given to placing controls on:*

- *The hours of operation of any licensed external area, requiring customers to return back into the premises at a specific time. In residential areas it is suggested that a closing time no later than 22.00 is appropriate.*
- *Whether it is appropriate to relay music into any external area (licensees must take care not to cause nuisance at any time of the day or night)*

It is not appropriate to have events externally in this location on more than a few days each year and certainly not to the hours proposed at all.

The premises are not in a cumulative impact area, however I would invite the sub committee to note the changing character of the area due to new and recent residential development, and to consider

whether an open air live music venue is appropriate at all in a densely populated residential area. We have a complaint on file from 2015 from a previous event externally in this area which caused nuisance to Strata Tower. Since that time a large number of new flats have been built overlooking and directly adjacent to the site on Elephant Road, shortly to be occupied, with further residential development planned for the South East side of the site. We are in the process of a review of the License of 16 Elephant and Castle as a result of noise problems from people drinking outside which demonstrates the sensitivity of this area. The application does not detail the capacity of this venue so I would recommend that this is clarified however from the licensable area it is clear that there is also a risk of public nuisance from people drinking in external areas and dispersing from the premises. There does not appear to be a Planning Consent for D4 use at this location, which is outside of the consented area of the neighbouring Artworks site.

I would draw the sub committee's attention to the Live Music Act 2012. If the application is granted, subject to confirmation of the licensed capacity of the venue and irrespective of any conditions placed, then the premises could hold amplified live music events externally until 23:00 on any day, 365 days per year.

If in light of the above, the sub committee still be minded to grant permission, I would recommend that all regulated entertainment is removed from the license. This would restrict live music under the Live Music Act to acoustic acts only to 23:00 and hence somewhat reduce risk of nuisance. I would also recommend that the following conditions are attached:

- All live music performances shall be acoustic, other than an electric keyboard with volume control to be used for accompaniment of an artist, with no amplified voice or loud instruments e.g. brass, drums or pipes, permitted
- When licensed entertainment is being provided the premises management shall carry out hourly checks to monitor the sound level at the closest noise sensitive location(s) to the premises and shall ensure that the sound level of the entertainment does not cause a public nuisance in the vicinity of the premises at the/those location(s). A written record of sound level checks shall be kept and shall contain details of: the time, date and location of each check, the person who undertook the check and any actions taken as a result of the check. Each check shall be signed in the record by the person who made the check. The monitoring record shall be kept at the premises and made available to Officers of the Police or Council on request.
- Any background music played shall remain at a volume that permits normal conversation and that the volume control of any music is behind the bar/counter and is in the full control of staff at all times.
- External waste handling, collections, deliveries and the cleaning of external areas shall only occur between the hours of 08.00hrs and 20.00hrs.
- There shall be no movement of musical or amplification equipment to and from the premises between the hours of 23.00hrs and 08.00hrs.
- 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 do not cause a nuisance in the vicinity of the premises.

- Clearly legible signage will be prominently displayed at all patron exits, where it can easily be seen and read, requesting that patrons leave the premises in a quiet and orderly manner that is respectful to neighbours.
- The premises licence holder shall display telephone numbers for local taxi companies and permit patrons to wait inside the premises until the arrival of the taxi.
- The premises licence holder shall display a telephone number for local residents to contact management of the premises as and when necessary.
- A comprehensive Dispersal Policy shall be produced and implemented at the premises, with all staff trained on the most up to date policy. A record of staff training on the Dispersal Policy shall be kept at the premises and a copy of the policy and training records be made available to the council or police on request.
- Drinks must only be served in polycarbonate/plastic or toughened glass drinking vessels
- The Premises licence Holder must comply with the Noise Management Plan submitted to and approved by the Licensing Authority and no changes will be made to the Noise Management Plan without the prior written consent of the Licensing Authority.
- All staff working at the premises shall be trained in the content of the Noise Management Plan and be aware of their responsibilities and duties under it. Records of relevant training shall be kept with the Noise Management Plan.
- The Noise Management Plan shall be reviewed annually, or whenever there is a significant change at the premises, whichever is sooner. For example, a significant change could include a new Licensee or DPS, change to premises layout, a refit, a change to the type or style of licensed entertainment, etc. The Noise Management Plan shall be reviewed after any substantiated complaint to reflect any relevant recommendations from any investigation.

Kind Regards,

Richard

Richard Earis

Principal Environmental Protection Officer

Environmental Protection Team

020 7525 2469

Postal address: Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | PO Box 64529 | London | SE1P 5LX.

Office address (By appointment only): Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | 160 Tooley Street | London | SE1 2QH

www.southwark.gov.uk

MEMO: Licensing Unit

To	Licensing Unit	Date	17 November 2016	
Copies				
From	Jayne Tear	Telephone	020 7525 0396	Fax 020 7525 5705
Email	Jayne.tear@southwark.gov.uk			

Subject Re: The Lost Rivers Ltd, The Artworks, Elephant Road, London, SE17 1AY -
Application for a premises Licence.

I write with regards to the above application submitted under the licensing act 2003 for a premises licence by Mr Nicholas James Boland (the application is not clear as to whether Mr Boland is the applicant or The lost Rivers Ltd are the applicant as both parts of the application have been filled in and this needs clarification) .

The application seeks the follows licensable activities:

- Plays, films, live music, recorded music, performance of Dance and anything of a similar description to live music; recorded music and performance of dance (all indoors and outdoors) on Monday to Thursday from 10:00 to 00:00, Friday and Saturday from 10:00 to 01:00 and on Sunday from 10:00 to 23:00
- Late night refreshment (indoors and outdoors) on Monday to Thursday from 23:00 to 00:00 and on Friday and Saturday from 23:00 to 01:00
- Supply of alcohol (on and off the premises) on Monday to Thursday from 10:00 to 00:00, Friday and Saturday from 10:00 to 01:00 and on Sunday from 10:00 to 23:00
- Opening Hours to be on Monday to Friday from 10:00 to 00:30, Saturday from 10:00 to 01:30 and on Sunday from 10:00 to 23:30

The premises is described as a *'box park style multi use construction with main focus being serving our craft beers, offering high quality food, providing entertainment suitable for all ages mainly in a modern style circus'*.

This premise is situated within in he Elephant and Castle Major Town Centre Area and under the Southwark Statement of Licensing policy 2016 - 2020 the appropriate closing times Public Houses Wine bars or other drinking establishments: Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours

I submit this representation with regards to the prevention of crime and disorder and the prevention of public nuisance as the later operation and of people leaving the premises later than at night could impact upon local residents living nearby and in the surrounding streets. The management would have no control of patrons that have left the premises if it were allowed to open later and the possible impact of any rowdy and anti-social behavior or crime and disorder. Furthermore the operating schedule is lacking and the applicant has not provided any controls measures to address the impact of any regulated entertainment that will take place outdoors will have on local residents living nearby.

Due to the limited information on the application I ask the applicant to provide the following information:

- That an accommodation limit of the premises is provided with details of how that will be controlled.
- To provide a written dispersal policy for the premises (depending on the accommodation limited).

To consider amending the application in line with the policy to promote the licensing objectives so that the operating times shall be as follows:

- Amend the hours for Plays, films, live music, recorded music, performance of Dance and anything of a similar description to live music; recorded music and performance of dance (change to indoors only) and late night refreshment **to cease** on Sunday to Thursday to 23:00 and on Friday and Saturday to 00:00
- Amend closing times on Sunday to Thursday to 23:00 and on Friday and Saturday to 00:00
- Amend Alcohol 'on sales' to cease at least 20 minutes before the closing times on each day.

To add a further conditions to the operating schedule:

- That alcohol for consumption off the premises is not sold for immediate consumption in the area around the premises and is supplied in sealed containers that require a tool such as a bottle opener or corkscrew to be opened.
- That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as off sales should not be opened and consumed in the vicinity of the premises
- That clear legible signage shall be prominently displayed at all patrons exits, where it can be easily seen and read, requesting that patrons leave the premises in a quiet and orderly manner that is respectful to neighbours

I therefore submit this representation and welcome any discussion with the applicant to consider my suggestions to promote the licensing objectives

Southwark's Statement of Licensing Policy 2016 – 2020 can be found on the following link:

[http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003 -
southwark statement of licensing policy 2016 - 2020](http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003_-_southwark_statement_of_licensing_policy_2016_-_2020)

Jayne Tear
Principal Licensing officer
In the capacity of Licensing Authority as a Responsible Authority

From: Masini, Bill

Sent: Wednesday, November 16, 2016 3:06 PM

To: Regen, Licensing

Cc: Tear, Jayne

Subject: Application for new premise Licence - The Lost Rivers Ltd - The Artworks Elephant Road SE17 1AY

As a Responsible Authority under The Licensing Act, Trading Standards are in receipt of the application for a premise licence for The Lost Rivers Ltd at The Artworks Elephant Road SE17 1AY and respond accordingly under the Licensing objectives of The Protection of Children from harm.

Trading Standards note from the application under General description of premises to be "a box park style multi use construction with main focuses being serving craft beers, offering high quality food, providing entertainment suitable for all ages mainly in a modern circus style"

Trading Standards note the requested hours for the supply of alcohol to be between 11:00 and 00.00 Sunday to Thursday and 11:00 and 01:00 Friday and Saturday. The premises are to be open to the public for 30 minutes after these terminal hours for alcohol sales.

Trading Standards welcome the statements in the application about addressing sales of alcohol to children in order to promote the four licensing objectives but for completeness and clarity would like to see the following conditions on the licence.

- That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.
- That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
- That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
- That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the Designated Premises Supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.

However, the application fails to address the issue of children being on the premise and their supervision. The application, as presented, seeks to allow unsupervised children on the premise up to 1.30AM. Trading Standards say that is not acceptable and therefore objects to the licence application under the licensing objective of the Protection of Children from Harm. The applicant is invited to address this.

Bill Masini - Trading Standards Officer

Southwark Council Trading Standards | Environment & Leisure

3rd Floor Hub 1, PO Box 64529 | London SE1P 5LX

Direct line 020 7525 2629 | Fax 020 7525 5735 | Call Centre 020 7525 2000

Visit our web pages www.southwark.gov.uk/TradingStandards

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From: Sharpe, Carolyn **On Behalf Of** Public Health Licensing
Sent: Wednesday, November 09, 2016 11:05 AM
To: Regen, Licensing
Cc: Public Health Licensing
Subject: RE: RE: The Lost Rivers - The Artworks, Elephant Road

To whom it may concern:

Re: the Lost Rivers, Elephant Road, London SE17 1AY

On behalf of the Acting Director of Public Health for Southwark (a responsible authority under the Licensing Act 2003) I wish to make representation in respect of the above.

The representation is made in respect of the following licensing objective(s):

- The prevention of crime and disorder
- Prevention of public nuisance
- Public safety

General Comments

The applicant requests a new license for the sale of alcohol on and off the premises between the hours of 11:00 – 00:00 on Mondays to Thursdays, 11:00-01:00 on Fridays and Saturdays and 1100-23:00 on Sundays. I have concerns regarding the hours of alcohol sales requested. Research suggests that increased hours of alcohol sales are associated with increased alcohol consumption, increased alcohol-related injuries, and increased alcohol-related harm. Moreover, Southwark's statement of licensing policy recommends a closing time for alcohol sales of 23:00 on Sundays to Thursdays and 00:00 on Fridays to Saturdays for an establishment in this location.

Recommendations

- I recommend the end time for alcohol sales be changed to 23:00 on Sundays to Thursdays and 00:00 on Fridays to Saturdays as per Southwark's Statement of Licensing Policy

If you have any further questions, please do not hesitate to contact me.

Carolyn Sharpe
on behalf of Dr Jin Lim, Acting Director of Public Health

Carolyn Sharpe | carolyn.sharpe@southwark.gov.uk | 02075250025
Public Health Officer (People & Health Intelligence), London Borough of Southwark, 160 Tooley Street, London SE1 2QH

From: Ian.Clements@met.pnn.police.uk [mailto:Ian.Clements@met.pnn.police.uk]

Sent: Thursday, December 22, 2016 12:47 PM

To: Mills, Dorcas

Subject: RE: FAO PC WHITE - LOST RIVERS RESPONSE TO POLICE OBJECTIONS TO THE ELEPHANT LICENCE APPLICATION

Thank you Dorcas

It looks like we are in a position to withdraw our representation then.

Kind regards

Ian

From: Nick Boland [REDACTED]
Sent: Thursday, December 22, 2016 12:32 PM
To: SouthwarkLicensing@met.pnn.police.uk
Cc: Mills, Dorcas
Subject: RE: FAO PC WHITE - LOST RIVERS RESPONSE TO POLICE OBJECTIONS TO THE ELEPHANT LICENCE APPLICATION

Dear PC White,

Just to confirm that we agree to all of the below.

Thank you very much for your time and attention.

Kind regards,

NJB



Nick Boland
Operations Director



From: Graham.S.White@met.pnn.police.uk [<mailto:Graham.S.White@met.pnn.police.uk>] **On Behalf Of** SouthwarkLicensing@met.pnn.police.uk
Sent: 05 December 2016 11:52
To: Nick Boland <nick.boland@lostriversbrewery.com>
Subject: RE: FAO PC WHITE - LOST RIVERS RESPONSE TO POLICE OBJECTIONS TO THE ELEPHANT LICENCE APPLICATION

Nick,
Please see amendment below and full list of agreed conditions.
If happy please let me know and I can withdraw my objection.

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence.
The CCTV System must be capable of capturing a clear facial image of every person who enters the licenced area and all areas used for licensable activities.

2. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download the footage upon request.
3. That all staff involved in the sale of alcohol are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
4. That two SIA registered door supervisors will be engaged when the premises are in operation. They will be employed at all times **after 19.00hrs Thursday to Sunday when** the licence is in operation until the end of business and all patrons have vacated the premises they will be engaged to monitor admission and re-admissions to the premises, security, protection, screening and dealing with conflict.
5. That no spirits (alcohol containing more than 20% ABV) shall be sold by the bottle or half bottle.
6. That suitable notices shall be displayed requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents

Regards

Graham

PC Graham White 288MD

Southwark Police Licensing Unit

323 Borough High Street

London

SE1 1JL

Tel: 0207 232 6756 (726756)

SouthwarkLicensing@met.police.uk

From: Masini, Bill
Sent: Monday, December 19, 2016 1:19 PM
To: 'Nick Boland'
Cc: Mills, Dorcas
Subject: RE: LOST RIVERS RESPONSE TO TS OBJECTIONS TO ELEPHANT ROAD APPLICATION

Thanks Nick

Dorcas, TS withdraws its rep now!

Bill Masini - Trading Standards Officer

Southwark Council Trading Standards | Environment & Leisure

3rd Floor Hub 1, PO Box 64529 | London SE1P 5LX

Direct line 020 7525 2629 | Fax 020 7525 5735 | Call Centre 020 7525 2000

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From: Nick Boland [<mailto:> [REDACTED]]
Sent: Monday, December 19, 2016 1:18 PM
To: Masini, Bill; Mills, Dorcas
Subject: RE: LOST RIVERS RESPONSE TO TS OBJECTIONS TO ELEPHANT ROAD APPLICATION

Of course,

I accept the conditions below

Thank you very much

Kind regards,

NJB



Nick Boland

Operations Director

Lost Rivers Brewing Co.

HISTORY | BEER |

CULTURE

I