WEST LINDSEY DISTRICT COUNCIL

LICENSING ACT 2003

Reference Number: 32UHB50235

Application type: Application for the Variation of Premises Licence

Premise: The White Swan, 9 The Green, Scotter, DN21 3UD

Applicant: Mr Philip Bradley

1 The Application

- 1.1 The application made is for the variation of a premises licence under section 34 of the Licensing Act 2003.
- 1.2 The application submitted is requesting to extend opening hours on Sunday by 1 hour, Thursday, Friday, Saturday by 1.5 hours. Live Music is now applied for daily (indoors) until 23:30 Sunday to Wednesday and 01.30 Thursday to Saturday. Recorded Music (both indoors and outdoors) is requested until Midnight Sunday to Wednesday and 01:30 Thursday to Saturday. Performance of Dance is added Sunday to Wednesday until 23:30 and 01:30 Thursday to Saturday. Late Night Refreshment is added (indoors) Monday to Wednesday until Midnight and until 01:30 Thursday to Saturday. Sale of Alcohol is requested to be extended until 01:30 Thursday to Saturday and until Midnight on Sunday. The removal of some current conditions are also requested. The full application with all the relevant details is attached as Appendix 1.

2 Background

2.1 This site currently has a premises licence, originally granted in 2005. The current premises licence is attached as **Appendix 2** for reference.

3 Promotion of the Licensing Objectives

- 3.1 In submitting the application the applicant is required to describe any steps intended to be taken in order to promote the following 4 licensing objectives, which are:
 - The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm
- 3.2 The steps the applicant intends to take are detailed in section M, a to e, of the application form at **Appendix 1**.

4 Representations – Responsible Authorities

4.1 No representations have been received from any of the Responsible Authorities.

5 Representations – Other Persons (previously known as Interested Parties)

5.1 One representation has been received from Other Persons. The representation is in relation to Public Safety and Prevention of Public Nuisance, attached as **Appendix 3**.

6 Considerations

- 6.1 Each application must be considered on its own merits, **standardised conditions cannot be applied across the board** to all licences of a similar type.
- 6.2 Each representation must be considered and in each case the committee must satisfy themselves whether or not the licensing objectives are being met by the applicant with respect to each matter.
- 6.3 Where relevant representations are made, the licensing authority must –

 (a) hold a hearing to consider them, unless the authority, the applicant and
 - each person who has made such representations agree that a hearing is unnecessary, and
 - (b) having regard to the representations, take such of the steps mentioned in subsection (6.4) (if any) as it considers appropriate for the promotion of the licensing objectives.
- 6.4 The steps are
 - (a) to modify the conditions of the licence
 - (b) to reject the whole or part of the application, and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.
- 6.5.1 The S182 guidance is clear that there should be *no duplication with other statutory provisions*. Conditions must be *appropriate, proportionate, reasonable, and* capable of being directly complied with by the licensee. Further, conditions should be clear and understandable, not be imposed to achieve an ulterior motive outside the scope of the legislation, not over generalised and cannot override primary legislation. If the Sub-Committee are minded that a condition is not appropriate for the promotion of the licensing objectives, then it should not be imposed.
- 6.6 Clearly, the Sub-Committee have to *consider extremely carefully* whether or not additional conditions need to be attached in order for the promotion of the licensing objectives?
- 6.7 In making its decision the committee must consider the application in line with the following:
 - The Licensing Act 2003
 - The Section 182 Guidance made under the Act
 - The Licensing Authority's Licensing Policy Statement
 - Decisions handed down from any relevant case law by the Courts

6.8 WLDC Policy

When considering the application and representations received, attention is drawn to the Licensing Authority's Policy which can be found at the link below by clicking on the Download Tab, then downloading the Policy:

http://www.west-lindsey.gov.uk/businesses/licensing/licensing-and-gambling-policies/licensing-policy/104810.article

6.9 Statutory Guidance

Attention is also drawn to the contents of the section 182 statutory guidance which can be found at the link below:

https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=3&cad=rja&ved=0CDcQFjAC&url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fpublications%2Flicensing-act-2003-amended-guidance-issued-under-section-

182&ei=mSIWUuGLE9S10QWe84GoAQ&usg=AFQjCNGob4ojK3AcNC29WG O1m0R5utwVaA&sig2=C86djujKYgMx0PgXbzBGiw&bvm=bv.51156542,d.d2k

Conditions cannot be attached with respect to any part of the application on which no representations have been received.

This is a matter for the committee to determine in light of the above matters and any others it considers relevant.

N.B. Whatever decision the Members of the Licensing Sub-Committee arrive at, they are reminded about the comments made in a recent court case, known as Hope and Glory, in relation to reasons for their decision making. The comments noted from this case stated: "The fuller and clearer the reasons, the more force they are likely to carry". Therefore taking these comments into account, Members are strongly advised to give good, clear, justifiable reasons in relation to their decision, which will have more chance of being upheld, should the decision be appealed against.

8 List of Appendices

8.1 Appendix 1 - Application form

Appendix 2 - Current premises licence

Appendix 3 - Representation from Other Persons x 1

9 Background Papers

9.1 Licensing Act 2003.

WLDC Policy

Statutory Guidance made under section 182 of the Licensing Act 2003





Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the I/We I/We Insert name(s) of applicant being the premises licence holder, Act 2003 for the premises describ	, apply to v	vary a premises lice		n 34 of the Licensing
Premises licence number	eu m r art	I DEIOW		
Part 1 – Premises Details	· · · · · · · · · · · · · · · · · · ·			
Postal address of premises or, if nor				
Post town Scotter			Postcode	Jule 1 335
Telephone number at premises (if a	ıny)	0/724 -	763061	
Non-domestic rateable value of pre	mises	£ 37,000	763061	
Part 2 – Applicant details Daytime contact telephone number				
E-mail address (optional) Current postal address if different from premises address	6			
Post town	<u> </u>		Postcode	W37 OHB

Part 3 - Variation

Please tick as appropriate Do you want the proposed variation to have effect as soon as possible?	Yes 🖺
If not, from what date do you want the variation to take effect?	DD MM YYYY
Please describe briefly the nature of the proposed variation (Please see guit The variation speks to class, some ambiguous the estient home and to allow for woodings on a more rosuler basis	idance note 1) c-atout of for Lore place
If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:	

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Prov	ision of regulated entertainment	Please tick all that apply	'
a)	plays (if ticking yes, fill in box A)		
b)	films (if ticking yes, fill in box B)		
c)	indoor sporting events (if ticking yes, fill in box C)		
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)		
e)	live music (if ticking yes, fill in box E)		
f)	recorded music (if ticking yes, fill in box F)		d
g)	performances of dance (if ticking yes, fill in box G)		
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)		
Dros	vision of late night refreshment (if ticking yes, fill in box I)		
<u>r rov</u>	vision of face night refreshing in ticking yes, in an box 1)		L Y
Sale	by retail of alcohol (if ticking yes, fill in box J)		\square
In a	ll cases eomplete boxes K, L and M		

Plays Standard days and timings (please read guidance note			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
6)			,	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance no	ote 3)	
Tue					
Wed			State any seasonal variations for performing plays (plea note 4)	se read guidance	2
Thur					
Fri			Non standard timings. Where you intend to use the preperformance of plays at different times to those listed in left, please list (please read guidance note 5)		the
Sat			·		
Sun					

Films Standard days and timings (please read guidance note			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
6)				Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance r	iote 3)	
Tue	************				
Wed		·	State any seasonal variations for the exhibition of film guidance note 4)	g (please read	
Thur		**************************************			
Fri	THE RESERVE OF THE PROPERTY OF		Non standard timings. Where you intend to use the prexhibition of films at different times to those listed in a please list (please read guidance note 5)	emises for the the column on th	e left,
Sat					·
Sun					

Standar	sporting ev d days and read guida	l timings	Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon	- Al-Carlo Al-Carlo (Carlo Al-Carlo Carlo		
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri		and the state of t	-
Sat			
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entertai Standai	Boxing or wrestling entertainments Standard days and timings (please read guidance note		Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
6)	•		,	Outdoors	
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Tue					
Wed			State any seasonal variations for boxing or wrestling er read guidance note 4)	ntertainment (ple	ase
Thur			·		
Fri	est and are are an about the control of the	To see the state of the section of t	Non standard timings. Where you intend to use the pre- wrestling entertainment at different times to those listed left, please list (please read guidance note 5)		
Sat					
Sun					

Live music Standard days and timings (please read guidance note		-	Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
6)	read guida	nee note	guidance note 2)	Outdoors	
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	4.00	23.30			
Tue					
	12.00	23-30			
Wed	American machinism submared alternative en extreme	<u> </u>	State any seasonal variations for the performance of liver guidance note 4)	<u>e music</u> (please	read
	4.00	23.30	guicinate note 1)		
Thur	}-				
	12.00	01.51			
Fri		#. #	Non standard timings. Where you intend to use the properformance of live music at different times to those live		nn on
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	12-20	4.30			
Sun					
	62-00	23.30			

Recorded music Standard days and timings (please read guidance note		~ 1	Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
6)	ų –		gardanse note 2)	Outdoors	
Day	Start	Finish		Both	
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Tue	07.32	29.00			
Wed	07.00	24.00	State any seasonal variations for the playing of recorde guidance note 4)	d music (please	read
Thur	67.00	01.30			
Fri	07.00	01.50	Non standard timings. Where you intend to use the pre- of recorded music at different times to those listed in the please list (please read guidance note 5)		
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Sun	67.00	34.00	Song Leies Outs To BE Maistacts	r Recopsey	

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(prease 6)	read guida	nce note	guidance note 2)	Outdoors	
Day	Start	Finish		Both	
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Tue	4.00	23-30			
Wed	12.50	23-30	State any seasonal variations for the performance of guidance note 4)	f dance (please	read
Thur	10-30	0130			
Frí	12-30	01.30	Non standard timings. Where you intend to use the performance of dance at different times to those list the left, please list (please read guidance note 5)		
Sat	12.93	υ/· <u>}</u>	XMAN EVE + NYE 12.00 - 01.30		
Sun	12.100	23.30			

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Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance	Indoors		
Mon			note 2)	Outdoors		
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Late night refreshment Standard days and timings (please read guidance note		ltimings	Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	Ø
6)				Outdoors	
Day	Start	Finish		Both	
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Tue	23. 20	24.00			i
Wed	23-03	24.00	State any seasonal variations for the provision of la (please read guidance note 4)	te night refres	<u>hment</u>
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Sat	13-00	31-30	Xmns Eve + NIE 23.00 - 01.30	,	
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Supply of alcohol Standard days and timings (please read guidance note		timings	Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	
(piease 6)	read guida	nce note	,	Off the premises	
Day	Start	Finish		Both	
Mon	07.00	24.00	State any seasonal variations for the supply of alcohoguidance note 4)	ol (please read	
Tue	07.130	24.00			
Wed	07.00	24.00			
Thur	07.00	01.30	Non-standard timings. Where you intend to use the supply of alcohol at different times to those listed in left, please list (please read guidance note 5)	premises for the column on	<u>ne</u> the
Fri	97.00	01.30	XMM EVE + NYL 07.00 - 0130		
Sat	07.00	01-30			
Sun	07-00	24.00			

K

ease highlight any adult entertainment or services, activities, other entertainment or matters acillary to the use of the premises that may give rise to concern in respect of children (please read addance note 8).	

MDescribe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)
·
b) The prevention of crime and disorder
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STAGE METER TO USE THE EQUIPMENT.
c) Public safety
RXX ASSESSMENT ARE CARREY OUT DI A LAGURA ZION + RECORDS KEPT.
d) The prevention of public nuisance
ALL EXTERISE TODES + CLOSES WHEN GOVER DHEN REGULTED
ALL EXTERNAL JOHNS - CLOSES CHES LACKET IN THE EVENT OF EMPRESKY.
REGULAR Noise Montaria Die Tare PLACE & LOGGED.
Outpool Mul To CERS At 23.00 Hoses.
e) The protection of children from harm
ORERITE CHARLESGE 25 SCHOOL.
ACCORDED BY PORSET, JAMES LANCE, CTAGO CARS

Checklist:

				Please tick to indicate ag	greement
•	I have made	or enclosed paymen	nt of the fee.		
•	I have sent coapplicable.	opies of this applica	ation and the plan to respon	nsible authorities and others when	e 🔲
•	I understand	that I must now adv	vertise iny application.	د	
•	I have enclos	sed the premises lice	ence or relevant part of it of	or explanation.	
•	I understand rejected.	that if I do not com	ply with the above require	ements my application will be	
LEV	EL 5 ON TH	E STANDARD SO	CALE, UNDER SECTIO	ION TO A FINE NOT EXCEED IN 158 OF THE LICENSING A ION WITH THIS APPLICATION	CT 2003,
Part	5 – Signatur	es (please read gui	dance note 10)		
auth				or applicant's solicitor or other behalf of the applicant, please	
Sign	ature				
Date		21/6460	75		
Cap	acity	Menses L	ICEANCE STATER		
holo	ler) or 2nd ap	plicant's solicitor		applicant (the current premises at (please read guidance note 12). city.	
Sign	nature				
Date	2				
Cap	acity				:
		here not previousl se read guidance no		correspondence associated with	ı this
Pos	t town			Post code	
	ephone numb	er (if any)			
If y	ou would pre	fer us to correspon	nd with you by e-mail, yo	our e-mail address (optional)	

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of

change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

- 1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- 2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
- 3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- 4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
- 8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or seminudity, films for restricted age groups or the presence of gaming machines.
- 9. Please list here steps you will take to promote all four licensing objectives together.
- 10. The application form must be signed.
- 11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
- 13. This is the address which we shall use to correspond with you about this application.

Hours premises are open to the public Standard days and timings (please read guidance note 6)		l timings	State any seasonal variations (please read guidance note 4)
Day	Start	Finish	·
Mon	57.09	2130	
Tue	07.00	00:30	
Wed	0701	00:30	Non standard timings. Where you intend the premises to be open to the
Thur	07.00	(J). ().)	public at different times from those listed in the column on the left, please list (please read guidance note 5) Lans Ly + Nry 07.00 - 02-00.
Fri	07.22	04.50	
Sat	07:00	00 لول	
Sun	07-00	24.00	- -
Please	identify th	nose conditi	ions currently imposed on the licence which you believe could be removed as

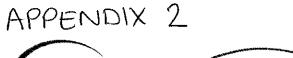
Please identify those conditions currently imposed on the licence which you believe could be removed as a
consequence of the proposed variation you are seeking.
De Word Ax for THE ESLEDISTO TO & REMOVED:
'WHEN THE PREMIES ARE BEING US FOR PORT ENTERTAINMENT, THERE MIST
BE ONE OFFICIAL DEFICIENCY SELVARY
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18, 19, 20, Amy 21.
ON LIVENCE GARRISTES RETIREMENTS - RETIRE ALL
CONTINUE CONSTITUTE DAN THE DREPARING SCHOOLE - REMOVE ALL

		Please tick as appropriate
•	I have enclosed the premises licence	
•	I have enclosed the relevant part of the premises licence	

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

	Reasons why I have not enclosed the premises licence or relevant part of premises licence.
I	,
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Tel: 01427 676676 Fax: 01427 675159

Licensing Act 2003

Premises Licence

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

The White Swan

9 The Green, Scotter, GAINSBOROUGH, Lincolnshire, DN21 3UD.

Telephone 01724 762342

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- ~ a performance of live music
- any playing of recorded music
- entertainment facilities for dancing
- the sale by retail of alcohol

	THE CARRYING OUT OF LICENSABLE	ACTIVITIES	
Activity (and Area if applicable)	Description	Time From	Time To
Performance of live music (Indoo	ors)		
	Monday	8:30pm	11:00pm
	Tuesday	8:00pm	Midnight
	Wed, Fri, Sat	8:00pm	Midnight
	New Years Eve	8:00pm	Midnight
. Playing of recorded music (Indoo	rs)		The state of the s
	Monday to Thursday	8:30pm	Midnight
	Friday	8:00pm	1:30am To 00:00 Xmas Eve
	Saturday	8:00pm	Midnight
	Sunday	8:00pm	11:00pm To 00:00 Xmas Eve
	New Years Eve	8:00pm	1:30am
	Non Standard Timings:	8:00pm	Midnight Xmas Party Nights
	From 1-23 December Exc Sundays		
I. Provision of facilities for dancing	(Indoors)		
	Monday to Thursday	8:30pm	Midnight
	Friday	8:00pm	1:30am To 00:00 Xmas Eve
	Saturday	8:00pm	Midnight
	Sunday	8:00pm	11:00pm To 00:00 Xmas Eve
	New Years Eve	8:00pm	1:30am
	Non Standard Timings:	8:00pm	Midnight Xmas Party Nights
	From 1-23 December Exc Sundays		-
 The sale by retail of alcohol for c 	onsumption ON the premises only		то не под него на предоставления в под него него него него него него него него
	Monday to Saturday	11:00am	Midnight 01:00 Friday Cabaret
	01:00 Saturday Weddings		-
	Sunday	11:00a m	11:00pm
	Christmas Eve	11:00am	12:30am
	New Years Eve	11:00am	1:30am



Tel: 01427 676676 Fax: 01427 675159

Licensing Act 2003

Premises Licence

THE OPENING HOURS OF THE PREMISES			
	Description	Time From	Time To
	Monday to Saturday	11:00am	12:30am
	Sunday	11:00am	11:30pm
	Christmas Eve	11:00am	1:00am
	New Years Eve	11:00am	2:00am

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Philip Michael Bradley

42 Ings Lane, Waltham, Grimsby, N E Lincolnshire, DN37 0BH. Telephone 07971487003

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Martin SCOTT

The George, 2 George Street, Market Rasen, Lincoln, LN8 3HN.
Telephone 01673 844296 or 07833224656

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. 32UD/A/00534/170707

Issued by Lincoln

ANNEXES

Mandatory Conditions Supply of alcohol (Licenced Premises)

Tap water must be provided on request to customers

No irresponsible promotions

No alcohol to be directly dispended into a customers' mouth

No supply of alcohol may be made under the premises licence:

a) at a time when there is no designated premises supervisor in respect of the premises licence or,





Tel: 01427 676676 Fax: 01427 675159

Licensing Act 2003

Premises Licence

ANNEXES continued ...

b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Where one or more individuals are at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority.

The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol:-

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

The responsible person shall ensure that:-

(a) Where any of the following alcoholic drinks is sold or supplied for sale or consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-

Beer or cider - ½ pint; Gin, rum, vodka or whisky - 25ml or 35ml; and Still wine in a glass - 125ml; and

(b) Customers are made aware of the availability of these measures.

ADDITIONAL CONDITIONS:

No public entertainments on Christmas Day or Good Friday

When the premises are being used for public entertainment, there must be in attendance one officially designated steward for every 50 persons in the licensed premises.

Maximum Permitted Occupancy:

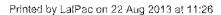
Area Licensed

Type of Entertainment

Dancing

Closely Seated

Total







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Licensing Act 2003

Premises Licence

ANNEXES continued ...

Whole Premises

170

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AND FIRE SAFETY OF PLACES OF SPORT ACT 1987

<u>Public Entertainments Licences - Terms, Conditions and Restrictions upon which this Licence is granted</u>

1. There shall be affixed and kept up in some conspicuous place on the door or entrance of the premises so licensed as aforesaid, an inscription in the capital letters (not less than 1" high) in the words following:

"Licensed by the District Council of West Lindsey for public Music, Singing and Dancing, Indoor Sports (if applicable) or other public entertainment of the like kind."

- 2. The licensed premises shall not be open for the purpose for which this licence is granted on any occasion when on specified grounds of public health or safety the licensing authority may so signify their desire in writing to the occupier or other person having at that time the control and management of the premises.
- 3. Police Constables for the County, authorised officers of the Fire Authority and District Council shall whilst on duty, at all reasonable times, be allowed to enter the licensed premises.
- 4. The licensee shall draw any user's attention to the full conditions of the licence governing use of the premises.
- 5. The Licensee shall comply with any reasonable fire prevention and safety measures that may be required of him by the County Fire Officer from time to time and any reasonable recommendations by the Police, and the Council's Environmental Health Officer.
- 6. If a statement of fire precautions and safety measures shall have been delivered to the licensee and to the West Lindsey District Council by the County Fire Officer not less than seven days before the date for granting or renewal of the licence, a requirement to comply with any matter contained in such a statement shall be deemed to form part of the conditions upon the grant or renewal of the licence unless the holder shall have objected to it and his objection shall have been upheld by the





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Premises Licence

ANNEXES continued ...

licensing authority.

- 7. The licensee and/or person in charge shall maintain and keep good order and decent behaviour and shall not permit drunkenness or other disorderly conduct on the licensed premises.
- 8. The licensee and/or person in charge shall not allow any lewd, obscene or indecent performances to take place on the licensed premises, or allow any indecent poster, advertisement, film, photograph or programme to be displayed or shown therein.
- 9. The licensee and/or person in charge shall:
 - (a) Take all reasonable precautions for the health and safety of the public, performers and employees on the premises:
 - (b) Ensure that the licensed premises and any fittings, stairways, notices, lavatories and seating are maintained in good order and condition.
- 10. Adequate and separate sanitary conveniences shall be provided for both sexes.
- 11. The licensee or person in charge of the premises shall ensure that any noise emanating from or caused by the use of the premises is such as not to cause annoyance to residents in the locality
- 12. No exhibition, demonstration or performances of hypnotism (as defined in section 6 of the Hypnotism Act 1952) shall be given on any person at the place licensed except with the express prior written consent of the West Lindsey District Council and in accordance with any conditions attached to such consent.
- 13. Real or artificial smoke shall not be produced in the premises.
- 14. Laser effect lighting shall not be used except with the prior written consent of The West Lindsey District Council.
- 15. No alteration shall be made to the building either in construction, rearrangement or public accommodation or exits or otherwise except with the prior written consent of the West Lindsey District Council.
- 16. The premise shall be provided with suitable exits so placed and maintained as to afford staff, patrons and performers ready and ample means of safe egress. The means of exit from all parts of the licensed premises shall be kept free of obstruction





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Licensing Act 2003

Premises Licence

ANNEXES continued ...

and constantly in such a state as to be available for instant free egress. Exits shall be conspicuously indicated at all other times when the premises are in use.

- 17. Use of the premises is prohibited for roller discos without specific approval of the West Lindsey District Council.
- 18. (a) All stage equipment in use on the premises (including all lighting, video or sound amplification equipment and display models) fed from the socket outlets shall be protected by 30 MA residual current devices (RCD's). (The devices shall form part of the permanent electrical wiring in the building i.e. plug in type RCD's are not permitted).
 - (b) On application for renewal of the licence, an N.I.C.E.I.C. Inspection Certificate, signed by a registered and duly qualified Electrical Engineer, included on the approved list prepared by the N.I.C.E.I.C., shall be produced to the Solicitor to the West Lindsey District Council, or other Authorised Officer for the time being of the Council, confirming all RCD's in the premises are in full working order and specifying that the time taken to operate at 30 MA be not more than 200 milliseconds and at 150 MA not more than 40 milliseconds.
- 19. All seating units utilising either standard or high resilient polyurethane foam as an infilling material should be treated with an approved flame retardant in order to satisfy B.S.5852: Part 2: 1982 "Ignitability of upholstered composites for seating by flaming sources". The treatment should be carried out in accordance with the manufacturers' instructions and a test certificate provided to the satisfaction of the Fire Authority.
- 20. Employment of Door Supervisors in premises which are licensed annually for public entertainment:
 - (a) For the purpose of these requirements the term 'door supervisor' shall mean a person engaged, employed or otherwise used on premises, with authority and/or on behalf of the owner, landlord, or licensee, exclusively or mainly to decide on the suitability of customers to be allowed on those premises to exercise control over them and/or to maintain order on those premises.
 - (b) The Licensee shall not engage, employ or otherwise use the services of any person as a door supervisor on the premises unless that person is, at all times, either registered with or provisionally approved by the S.I.A.
 - (c) The Licensee shall:





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Premises Licence

ANNEXES continued ...

- (i) Maintain a daily incident book, which must be completed each time the premises are open to the public with the door supervisors on duty and signed by each door supervisor before commencing duty;
- (ii) Ensure details of all incidents attended or dealt with by door supervisors are recorded in the incident book;
- (iii) Ensure the incident book is available for inspection by the police or officers of the West Lindsey District Council at all
- (iv) times the premises are open to the public and at any other reasonable times;
- (v) Retain completed incident books for a minimum period of two years following the date of the last entry in the book.
- (d) The Licensee shall ensure all door supervisors carry their identification permit issued to them under the S.I.A. scheme at all times whilst on the premises and produce it on request to the police officer of the West Lindsey District Council.
- (e) The Licensee shall immediately notify the West Lindsey District Council and the Chief Officer of Police of the dismissal of any staff employed, engaged or used by him/her in the capacity of a door supervisor, for serious misconduct or other behaviour which might affect the continuation of , or renewal of, his/her registration.
- 21. All commercial premises which are licensed for public entertainment after 11.00pm must provide a drug amnesty box on the premises.
 - (a) Each premise will provide a metal strong box, which is lockable and securely attached to the floor or a wall inside the club entrance.
 - (b) The box will be constructed so that items may be placed in the box without the person coming into contact with the box's contents.
 - (c) The premises will be allowed to provide its own box provided the design is agreed with the police.
 - (d) The police will hold the keys to the box.





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Premises Licence

ANNEXES continued ...

- (e) Customers entering the club should be directed to the box and allowed to deposit in it anything they wish to prior to being within the area where they could be subjected to any form of search.
- (f) Any article found abandoned within the club premises or immediately outside the premises and suspected to be a controlled drug or other dangerous article should be placed in the box.
- (g) The police will make arrangements for the box to be checked and emptied as follows:
 - (i) The keys to the box will be retained at the police station.
 - (ii) The contents of the box will be checked by an officer of at least sergeant rank, together with another officer and a member of the club staff on a weekly basis or at the request of the club manager.
 - (iii) The contents of the box will be recorded and disposed of by the police.

NOTE:

If the holder of this licence shall break or disregard any of such terms, conditions or restrictions, he may be liable to a fine not exceeding £20,000 or to imprisonment for a term not exceeding 6 months or both and this licence may be revoked by Order of the West Lindsey District Council.

ON LICENCE EMBEDDED RESTRICTIONS

CREDIT SALES

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- (b) for consumption by a person residing in the premises or his guest and paid for together with





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ANNEXES continued ...

his accommodation:

(c) to a canteen or mess.

CHILDREN IN BARS.

On-licence, no children's certificate:

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (1) He is the child of the holder of the premises licence.
- (2) He resides in the premises, but is not employed there.
- (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary. In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

General

Introduce new signage.

Improve staff training in knowledge of the licensing laws and what is permissible on the premises.

Prevention of Crime & Disorder

Complete a written risk assessment.





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Premises Licence

ANNEXES continued ...

Take measures to prevent glasses being taken from the premises.

Public Safety

Freely available clean drinking water at the premises.

Fire safety and training in evacuation procedures to be completed.

Consideration to be made of the effects of smoking in the premises on the health of employees and the public.

Prevention of Public Nuisance

Consideration to be made of the following points:

- The hours of opening.
- The nature of the activities to be provided.
- The occupancy capacity of the premises.
- The availability of parking in residential areas.
- Having a 'wind down' period.
- The formulation of a dispersal policy.
- Utilising a last admission time.
- The upkeep of the area immediately surrounding the premises such as litter collection.

All external doors and windows will be kept closed when regulated entertainment is being provided except in the event of emergency.

The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residence. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making then and the results including any remedial action.

The use of the beer garden to cease at 23:00

Protection of Children form Harm

No unaccompanied children allowed in the premises under the age of 16.





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Premises Licence

ANNEXES continued ...

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

The sub-committe have granted the application as applied for.





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Licensing Act 2003

Premises Licence Summary

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

The White Swan

9 The Green, Scotter, GAINSBOROUGH, Lincolnshire, DN21 3UD.

Telephone 01724 762342

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- entertainment facilities for dancing
- the sale by retail of alcohol

HE TIMES THE LICENCE AUTHORISE	S THE CARRYING OUT OF LICENSABLE	ACTIVITIES		
Activity (and Area if applicable)	Description	Time From	Time To	
E. Performance of live music (Indo	ors)		***************************************	ar e const. (1900-1900 (1900-1900 (1900-1900 (1900-1900 (1900 (1900 (1900 (1900 (1900 (1900 (1900 (1900 (1900
•	Monday	8:30pm	11:00pm	
	Tuesday	8:00pm	Midnight	
	Wed, Fri, Sat	8:00pm	Midnight	
	New Years Eve	8:00pm	Midnight	
F. Playing of recorded music (Indoo	ors)		errorromani periori perpy filmineri: fd fr spers e e respected est mensees	
	Monday to Thursday	8:30pm	Midnight	
	Friday	8:00pm	_	To 00:00 Xmas Eve
	Saturday	8:00pm	Midnight	
	Sunday	8:00pm	11:00pm 🖪	To 00:00 Xmas Eve
	New Years Eve	8:00pm	1:30am	
	Non Standard Timings:	8:00pm	Midnight)	Xmas Party Nights
	From 1-23 December Exc Sundays	·	d fo hing a formal and produce an excellent all produces and produces	
 J. Provision of facilities for dancing 				
	Monday to Thursday	8:30pm	Midnight	
	Friday	8:00pm		Γο 00:00 Xmas E∨e
	Saturday	8:00pm	Midnight	
	Sunday	8:00pm	•	To 00:00 Xmas Eve
	New Years Eve	8:00pm	1:30a m	
	Non Standard Timings:	8:00pm	Midnight)	Xmas Party Nights
	From 1-23 December Exc Sundays			ti lata fi liang 144 ny sala asao si saoo si s
M. The sale by retail of alcohol for example.				
	Monday to Saturday 01:00 Saturday Weddings	11:00am	Midnight (01:00 Friday Cabaret
	Sunday	11:00am	11:00pm	
	Christmas Eve	11:00am	12:30am	
	New Years Eve	11:00am	1:30am	





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Premises Licence Summary

THE OPENING HOURS OF THE PREMISES			
	Description	Time From	Time To
	Monday to Saturday	11:00am	12:30am
	Sunday	11:00am	11:30pm
	Christmas Eve	11:00am	1:00am
	New Years Eve	11:00am	2:00am

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Philip Michael Bradley

42 Ings Lane, Waltham, Grimsby, N E Lincolnshire, DN37 0BH.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Martin SCOTT

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

As per conditions





Licensing Act 2003

Representation by an Interested Party

Note: Please be aware that this form may be viewed by the Applicant or by a representative of the Applicant. It may also be read out in public at the subcommittee hearing.

Representations can be made against a relevant licence application by an interested party. Representations may be made on behalf of the above by a representative e.g. MP, solicitor, or a friend.

Please indicate in which capacity you are making this representation by ticking a box below:

X

- A person living in the vicinity of the premises
- A body representing a person in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A body representing a business in the vicinity of the premises

Representations are only relevant to an application if they relate to at least one of the four **Licensing Objectives** listed below:

- 1. The Prevention of Crime and Disorder
- 2. Public Safety
- 3. Prevention of Public Nuisance
- 4. The Protection of Children from Harm

Representations may be made at any time during a period of 28 consecutive days starting on the day after the application was given to the Licensing Authority.

In the case of a closure order issued by the Police, representations may be made during the seven days that follow relevant notice being given to the Local Authority by the Magistrates Court, starting on the day after the day the notice was received.

Please enter contact details of interested party below:-

Name:	
Address:	
Postcode:	DN21 3UG
Tel:	
E-mail:	

Please confirm name and address of person or business affected in the vicinity, if different from the address given above:

Name:	
Address:	
Postcode:	

Please provide details of the application to which you wish to make a representation.

Name of Applicant:	Philip Bradley	
Address of Premises	The White Swan 9 The Green Scotter DN21 3UD	
Application Details:	Variation of Premises Licence	

Please give details of your representation in the box below. Indicate which of the Licensing Objectives your representation refers to by ticking the relevant box/es:

- The Prevention of Crime and Disorder
- Public Safety

Х

Prevention of Public Nuisance

X

• The Protection of Children from Harm

Like everyone in the village of Scotter, I am pleased to see The White Swan open again but I hope the owner will understand that I have concerns too.

For the benefit of committee members who are not familiar with the site, The White Swan is situated in the centre of the village across from the River Eau. There are houses around it and along both sides of the river. Over the years, the pub has expanded, against representations and with retroactive planning consent (before my time). It now consists of 11 bedrooms, banqueting facilities for 120 and a garden facing the street with armchairs, tables and a retractable awning.

There are two aspects to the application – opening hours and music – which relate directly to the prevention of public nuisance and public safety. I would like to remind the committee that the premises are in a village – not in an area zoned for commercial or business use or in a town centre like Gainsborough. Noise in a village is magnified at night due to the stillness around it.

Noise from music:

The Licensing Act states "it is important to remember that the prevention of public nuisance could therefore include <u>low-level nuisance</u> perhaps affecting a <u>few</u> living locally…".

Indoors: On the rare occasions when there was a function under the old management, someone would invariably open the doors for fresh air and the amplified music would carry outside. It was a nuisance but it didn't happen often, so I just called the pub around midnight and the manager closed the doors. My concern is that one call at midnight won't solve the problem if the hours are extended and doors are only opened later e.g. at 01:30. Filing a complaint after the fact is pointless. Residents shouldn't have to put up with the noise in the first place.

Outdoors: I am <u>totally</u> opposed to outdoor music of any kind (live, amplified and/or recorded). It is inevitable that there will be low-level nuisance to any resident at whatever time of day music is played outside.

Noise from patrons & cars

There is already some issue with noise as patrons leave the premises. It will only get worse as more of them stay later. The owner cannot control this but what *can* be controlled is timing of the nuisance. The increase in business the owner hopes to achieve by extending the hours will also prolong the period the residents have to put up with slamming car doors and loud conversations. The extended hours will have an impact on residents living nearby (low-level nuisance maybe, but a nuisance nonetheless). I have to repeat that this pub is in the middle of a quiet village where most people are in their beds by 11 p.m. – we are not in an area zoned for business or commercial use (despite the fact the pub has a capacity of 120).

Public safety

Parking is a problem - the parking lot is full, the street is too, and cars are parked on the verge. Extended hours will mean additional customers and more cars leaving the village in the early hours of the morning. This is a genuine safety concern - late night drivers already treat Kirton Road as a race track. We've only seen one accident, but

if the hours are extended, more cars will leave the car park later when county roads are empty except for late night patrons of pubs, and I'm afraid it is only a matter of time before a boy racer collides with someone.

If possible please suggest alterations to the application that would resolve the problem mentioned above, again paying attention to the licensing objectives

I would ask the committee to reject the application for variation on the basis that extending opening times and permitting outdoor music at this venue is contrary to the licensing goals of preventing nuisance and ensuring safety.

In the alternative, the committee should attach conditions - that all windows and doors are closed whenever music is played indoors; that a duty manager is nominated to ensure the conditions are adhered to and that checks are made and recorded every hour after 23:00; and that only unamplified recorded music which is not audible beyond the patio area is played outdoors no later than 19:00.

I would like the committee to note that I was discouraged from submitting a representation by someone in the licensing department. Apparently others were too. Her view was that a complaint could always be filed after the application was approved. Someone should remind her that there is a legal requirement to post a notice and advertise the application for a good reason: the point of the representation process is to alert the committee to the public's concerns before variations are granted. I do hope the committee will give some weight to my representation in light of the above incident (even if it is the only one received).

Once the Licensing Section has received this form you will receive a written acknowledgment and you may be contacted to discuss the issue prior to any referral to a sub-committee hearing.

Please tick this box if you consent to any notice of any hearing being sent to you to the e-mail address provided by you above. (please note if any notice is sent to you by electronic means, you will also receive confirmation of the same in writing).

Please tick this box if you do not intend to attend or be represented atany hearing. X

If you wish to withdraw any representations you may do so confirming this in writing to the address given below, providing you do so no later than 24 hours before the any hearing, or otherwise orally at the hearing.

Signed:

PRINT NAME:

Date: 11 August 2013

Please return this form to the following address:

Licensing Team West Lindsey District Council Marshall's Yard Gainsborough Lincolnshire **DN21 2NA**

Email: <u>licensing.2003@west-lindsey.gov.uk</u>

+28 = 13|08|13+20 WD = 12|09|13

Hearing Nolices etc. ported 21/08/2013 Philos Bethanic