
LICENSING ACT 2003

SUMMARY OF PREMISES LICENCE

Postal address of premises, or if none, Ordnance Survey map reference or description:

The Old Swan
175 Long Street
Atherstone
CV9 1AH

Telephone No: 01827 712525

Where the licence is time limited the dates:

N/A

Licensable activities authorised by the licence:

Sale of alcohol by retail; regulated entertainment by films; indoor sporting events; live and recorded music; performance of dance facilities for making music and dancing; late night refreshments.

The times the licence authorises the carrying out of licensable activities:

Monday – Thursday 11:00 – 00:00
Friday and Saturday 11:00 – 01:00
Sunday 12:00 – 00:00

The opening hours of the premises:

For a further 30 minutes after last permitted sale.

Where the licence authorises supplies of alcohol whether these are in and/or off supplies:

On and off

Name, (registered) address, telephone number and email (if relevant) of holder of premises licence:

Marston's PLC
Brewery Road
Wolverhampton, WV1 4JT

Registered number of holder, eg company number, charity number (where applicable):

31461

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Tina Chinn

State whether access to the premises by children is restricted or prohibited

Restricted by Licensing Act 2003



North Warwickshire
Borough Council

MANDATORY CONDITIONS

1. 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
 - b) At a time when the Designated Premises Supervisor does not hold a Personal licence or his/her Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licenses must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) 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 either:-
 - (a) a holographic mark or
 - (b) an ultraviolet feature.
6. **The responsible person shall ensure that-**
 - (a) where any of the following alcoholic drinks is sold or supplied for 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-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
 - (iii) still wine in a glass: 125ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drink Pricing –

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purpose of the condition set out in paragraph 1 –
 - (a) “duty” is to be constructed in accordance with the Alcoholic Liquor Duties Act 1979.
 - (b) “permitted price” is the price found by applying the formula – **P = D + (D x V)**

Where –

- (i) P is the permitted price
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence-
 - (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

If the Premises Licence allows Exhibition of Films –

- 1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- 2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
- 3. Where – (a) The film classification body is not specified in the licence, or (b) The relevant licensing authority had notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- 4. In this section “children” means any person aged under 18; and “film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

If the Premises Licence has conditions in respect of Door Supervision – except theatres, cinemas, bingo halls and casinos.

- 1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
 - a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - b) Be entitled to carry out that activity by virtue of section 4 of the Act
- 2. But nothing in subsection (1) requires such a condition to be imposed:
 - a) In respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
 - b) In respect of premises in relation to:
 - (i) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under the Act).

3. For the purpose of this section:

- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
- (b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

I have undertaken my own risk assessment to take the following steps. The types of regulated entertainment proposed materially do no more than reinstate the normal pub entertainment that was previously unregulated. No new steps have been identified in relation to the four licensing objectives save as below.

Prevention of crime and disorder – any person exercising a security activity (as defines by par 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001) shall be licensed by the Security Industry Authority. Such a person will be employed at the premises at the discretion of the designated premises supervisor/holder of the premises licence. Any person as defined in condition (1) will clearly display his name badge at all times on duty. No customers apparently carrying open bottled upon entry shall be admitted to the premises at any times the premises are open to the public. Where CCTV is installed with recording facilities such recordings shall be retained for a period of 30 days and made available within a reasonable time upon request by the Police. Alcohol and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.

Public safety – to comply with the reasonable requirements of the fire office from time to time. To comply with the reasonable requirements of the building control office.

Public nuisance – Where appropriate, prominent, clear and legible notices shall be displayed at all exists requesting the public request the needs of local residents and to leave the premises and area quietly. Noise or vibration shall not emanate from the premises so as to cause a statutory nuisance to nearby properties.

Protection of Children from Harm – no films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/ Local Authority certification. No children under the age of 16 shall not be permitted to enter the premises after 21:00. No unaccompanied children are allowed on the premises and accompanied children are only permitted in the designated eating area until 21:00. The licence extends the normal permitted hours shown overleaf for all licensable activities as follows:

- Until 01:00 following each Friday, Saturday, Sunday and Monday of May Day, Spring/Whitsun, Easter, August Bank Holiday weekends, Christmas Eve and Boxing Day.
- Christmas Day 12:00-15:00-19:00-22:30
- 10:00 New Year's Eve until terminal hour New Year's Day

In the event of the broadcast of an international or national sporting event outside permitted hours, licensable activities are authorised on giving the Police and Licensing Authority 7 days notice of the nature and times of the event save that the Police do not serve notice on the Designated Premises Supervisor on Crime and disorder grounds. The event of the Secretary of State declaring by Order recognised events, the condition above falls in favour of the terms of the Order.

PLANS

Certified copy attached