

Licensing Act 2003 Notice of Hearing

Date of issue of this notice: 21 September 2005

Reference to be quoted on all communications: Licenisng/Swan

Subject of hearing: Swan, Ridgway SW19

Date of hearing: 5 October 2005

Time of Hearing: 10:00

Venue: Council Chamber, Merton Civic Centre, London Road, Morden SM4 5DX

Date by which you should respond to this Notice of Hearing: 28 September 2005

(A form to use to respond to this Notice of Hearing is enclosed)

For enquiries about this hearing please contact

Democratic Services
Civic Centre
London Road
Morden
Surrey
SM4 5DX

Telephone: 020 8545 3616

Email: democratic.services@merton.gov.uk

Useful documents:

Licensing Act 2003

<http://www.hms0.gov.uk/acts/acts2003/20030017.htm>

Guidance issued by the secretary of State for Culture Media and Sport

http://www.culture.gov.uk/alcohol_and_entertainment/licensing_act_guidance+.htm

Regulations issued by the Secretary of State for Culture, Media and Sport

http://www.culture.gov.uk/alcohol_and_entertainment/lic_act_reg.htm

Merton's Statement of Licensing policy

<http://www.merton.gov.uk/licensing/>

Parties to the hearing:

This document forms part of the notice of hearing.

The following are parties to the hearing having submitted relevant applications, notices or representations under the statutory provisions indicated:

Name of Party	Application/Notice/Representation
Spirit Group Ltd	Applicant
Representations	
Metropolitan Police	Environmental Health
Public representations	
J Anderson	H Allen
E Anderson	R Anderson
J & V Andrewes	B Andrews
B Archer	P Arnell
G Bannister	B Beedham
C Bobak	M Brindle
E Brothie	D Brown
J Brown	C Brown
T Bushell	H Cahill
J Cairns	H Carter
B Chandan	K Clarke
I Cleaver	M Cochrane
D & A Cole	G Cromwell
L Defriez	S Dickson
J Eastman	E Eastman
M Elliot	L Ellis
J Ellison	A Fairclough
R Flint	S Francis
T Garrett	J & R Gill
A Jones	L Jones
S Hall	A Hart
B Harvey	A & J Hobson
A & J Howden	M Ingham
S Jennings	J & D Johnson
L Jones & W Street	B Jones

Mr & Mrs Jordan	S Karbownicki
M & K Kinsler	M Metters
S Lloyd	M & C Madgin
H Matt	P & D McCleave
H McCurley	C McKerrow
S McLaren	M & M McNerney
P Milne	J Mulchinock
I Newcombe	P Newman
A Packer	A Palmer
C Pegg	J & E Perring
N Plastow	M Pond
I Prytherch	J M Rieger
C Roels	J Rothwell
R Routledge	D Scott
P & C Shandro	C & M Smart
J Smith	M Smith
B Spooner	P Stevens
A Swindells	N & H Syed
Resident, Hillside	K Walsh
D Walsh	S Ward
M & J Waugh	A Weston
D Wheatley	S White
A Williams	N Wilson
P Wilson	

Copies of all of the applications, notices and representations relevant to this matter are attached to this notice of hearing. This includes any documents which must be sent to any of the parties to the hearing under Regulation 7(2) and Schedule 3 of The Licensing Act 2003 (Hearings) Regulations 2005.

Points of clarification

This document forms part of the Notice of Hearing.

The licensing authority considers that it may require clarification on the following points at the hearing:

If any of the representations made raise questions as to the advertising of the application the authority may ask for clarification from the applicant as to what steps have been taken to comply with the regulations in respect of advertising of the application.

The representation from the Environmental Health Department has not been resolved or withdrawn.

The representation from the Police has not been resolved or withdrawn.

Rights of parties to the hearing

This document forms part of the Notice of Hearing.

The hearing will be conducted by a three member sub-committee of Merton's Licensing Committee.

You have the right to attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified. You should notify us if you wish to be represented or assisted in this way on the accompanying response form.

You may also request that other persons be permitted to appear at the hearing to assist the sub-committee on particular points relating to the matter under consideration. You should notify us of any persons you wish to attend on the accompanying response form.

At the hearing you are entitled to

- a) respond to any points of clarification detailed in the Notice of Hearing;
- b) if given permission by the sub-committee hearing this matter, ask questions of other parties; and
- c) address the sub-committee

If you do not attend the hearing the sub-committee may proceed in your absence or it may adjourn to another specified date and time. If the hearing proceeds in your absence any application, notice or representation you have made will be considered by the sub-committee. It would be helpful if you could notify us as soon as possible if you are not going to attend the hearing.

Please complete and return the accompanying response form by the response date shown on the Notice of Hearing. Alternatively you can send an email to democratic.services@merton.gov.uk with the relevant information. Please quote the reference number shown on the Notice of Hearing.

A copy of the procedure to be followed at the hearing is attached.

Copies of all of the applications, notices and representations relating to the matter under consideration are attached.

Procedure to be followed at the hearing

This document forms part of the notice of hearing

Regulations referred to in this procedure are reproduced under Note ⁽³⁾ at the end of the procedure

Declarations of Interest.

Welcome by Chair of the Licensing sub-committee and outline of the order of proceedings.

The Chair will advise parties⁽¹⁾ that the proceedings are being recorded.

The papers before the sub-committee comprise the Notice of Hearing and any applications, notices or representations and include:

- Details of the application and operating schedule
- Details of representations and notices received
- Details of any representations/notices withdrawn
- Dates notices were served and received by the authority
- List of parties to the hearing and their representatives
- Details of other persons for whom permission is sought by a party to the hearing to appear at the hearing under regulation 8(2)
-
- Points which the authority has raised in the Notice of Hearing as points on which it will be seeking clarification
- Dates applicable to this application and hearing including the latest date of determination
- Comments of Licensing Officers on any factual or technical aspects of the application, notices or representations
- Any other relevant matters and requirements

Prior to the hearing officers will have asked parties to indicate any areas of disagreement with these papers. Any such disagreements which have not been disposed of prior to the hearing will now be resolved. Otherwise the papers will be taken as read.

The Chair will advise parties that if they introduce new documentary or other information in support of their application, notice or representation the consent of other parties to the consideration by the sub-committee of such information will be sought.

The sub-committee will consider, under regulation 22, requests from parties made under Regulation 8(2) for other persons to be permitted to appear before the hearing.

The sub-committee will determine the order in which parties (other than the applicant) will be heard and so advise those present.

The Chair will advise the parties that they have no rights to question persons appearing under the provisions of regulations 8(2) and 22 and that their right to question other parties can only be exercised with the permission of the sub-committee. The Chair will also advise the parties that under regulation 23 cross-examination is not allowed unless

the sub-committee feels that this is required for it to consider the matters before it. If parties wish to put questions to other parties or persons appearing under the provisions of regulations 8(2) or 22 they should seek the permission of the sub-committee and direct such questioning via the chair.

Applicant

- The applicant will be asked if there is anything they wish to add to or clarify about their application
- The applicant will address the points for clarification raised by the authority in the Notice of Hearing
- Persons appearing under regulations 8(2) and 22 as notified by the applicant will address the hearing
- If the sub-committee considers it necessary it may allow other parties to put questions to the applicant and persons appearing under the provisions of regulations 8(2) and 22 notified by the applicant who have addressed the hearing
- The sub-committee members will put any questions to the applicant and persons appearing under the provisions of regulations 8(2) and 22 notified by the applicant who have addressed the hearing
- The applicant will be asked if they have any further points arising from points raised in questioning

Other parties⁽²⁾

- The party (party A) will be asked if there is anything they wish to add to or clarify about their representation or notice
- Party A will address the points for clarification raised by the authority in the Notice of Hearing
- Persons appearing under regulations 8(2) and 22 as notified by the Party A to address the hearing
- If the sub-committee considers it necessary it may allow the applicant to put questions to Party A and persons appearing under the provisions of regulations 8(2) and 22 notified by Party A who have addressed the hearing
- If the sub-committee considers it necessary it may allow other parties to put questions to Party A and persons appearing under the provisions of regulations 8(2) and 22 notified by Party A who have addressed the hearing
- The sub-committee members will put any questions to Party A and persons appearing under the provisions of regulations 8(2) and 22 notified by Party A who have addressed the hearing
- Party A will be asked if they have any further points arising from points raised in questioning

Repeat above stage for each subsequent party.

Other parties close by summarising their points.

Applicant closes by summarising their points.

The Chair will then ask the sub-committee's legal adviser if there are any further matters to be considered prior to a determination being made. If there are such other matters they will then be disposed of as appropriate.

If the sub-committee is not going to determine the application at the conclusion of the hearing it will so advise those present and inform them of the date and time that their determination will be made in public. Determinations must be made in accordance with the provisions of regulation 26.

If the sub-committee feels that it needs to go into private session to discuss any issues with its legal adviser it will advise those present that it will resume in public session at the conclusion of any such discussion when the advice it has received from its legal adviser will be read into the public record of the meeting.

At the conclusion of any private session the sub-committee will return to public session and the legal adviser will inform the hearing of any advice given in private session.

In cases where the sub-committee is not going to make its determination at the conclusion of the hearing it will then adjourn the meeting to a specified date and time. In all other cases it will discuss and determine the matter before it.

The Chair will advise parties to the hearing that they will be notified in writing of the determination, thank the parties for their attendance and close the meeting.

Where this procedure is silent the sub-committee may make such arrangements as necessary to ensure the rights of parties to hearings and for the proper discharge of its duties under the Licensing Act 2003 and any guidance or regulations issued by the Secretary of State.

Notes

¹ Regulation 15 allows parties to be represented or assisted at the hearing by any person whether or not that person is legally qualified. Any reference to a party in this order of procedure should be taken to include a reference to a person assisting or representing a party.

² Similar objections will be grouped together as far as possible and a common spokesperson sought. The regulations treat each objector as a party in their own right. If they do not agree to being grouped they will be treated as an individual party.

³Extracts from the regulations:

8.—(1) A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating—

(a) whether he intends to attend or be represented at the hearing;

(b) whether he considers a hearing to be unnecessary.

(2) In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.

22. At the beginning of the hearing, the authority shall explain to the parties the procedure which it proposes to follow at the hearing and shall consider any request made by a party under regulation 8(2) for permission for another person to appear at the hearing, such permission shall not be unreasonably withheld.

23. A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that cross-examination is required for it to consider the representations, application or notice as the case may require.

26.—(1) In the case of a hearing under—

(a) section 35 or 39 which is in respect of an application made at the same time as an application for conversion of an existing licence under paragraph 2 of Schedule 8 (determination of application under section 34 or 37),

(b) section 85 which is in respect of an application made at the same time as an application for conversion of an existing club certificate under paragraph 14 of Schedule 8 (determination of application under section 85),

(c) section 105(2)(a) (counter notice following police objection to temporary event notice),

(d) section 167(5)(a) (review of premises licence following closure order),

(e) paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence),

(f) paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate), or

(g) paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence),

the authority must make its determination at the conclusion of the hearing.

(2) In any other case the authority must make its determination within the period of five working days beginning with the day or the last day on which the hearing was held.

NB: During the transitional period the authority must determine the application within the period of two months beginning with the day on which it received the application. This date is indicated on the first page of this notice.

LICENSING ACT 2003

Part A Premises licence

Premises licence number

CPL 2005 0010

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

The Swan Public House
89 Ridgway
Wimbledon
SW19 4SU

Telephone number

020 8946 1652

Dates where the licence is time limited

NOT APPLICABLE

Licensable activities and permitted times authorised by the licence

Alcohol shall only be sold during the following hours:

- On weekdays, other than Christmas Day, Good Friday or New Year's Eve, between 10.00 and 23.00 hours.
- On Sundays, other than Christmas Day or New Year's Eve, between 12.00 and 22.30 hours.
- On Good Friday, between 12.00 and 22.30 hours.
- On Christmas Day, from 12.00 to 15.00 and 19.00 to 22.30 hours.
- When New Year's Eve is on a weekday, from 10.00 on New Year's Eve until 23.00 hours on New Year's Day, except when New Year's Day is on a Sunday, then the sale of alcohol shall cease at 22.30.
- When New Year's Eve is on a Sunday, from 12.00 on New Year's Eve until 23.00 hours on New Year's Day.
- On Christmas Day, alcohol may be sold between 15.00 and 19.00 hours when ancillary to a table meal.
- On days, other than Christmas Day, alcohol may be sold for one hour after the hours stated above when ancillary to a table meal.
- In the area covered by the Children's Certificate (as shown on the plan that accompanied the application to the Licensing Justices) meals and non-alcoholic beverages must be available for sale for consumption in that area until 9pm.

The opening hours of the premises

**Monday to Saturday: 10:00 until 23:00 hours
and until 12 midnight when alcohol is served ancillary to a substantial meal**

**Sunday 10.00 until 22.30 and until 23.30 hours when alcohol is served ancillary
to a substantial meal**

Sale & supplies of alcohol, whether these are on and/or off supplies

Both ON & OFF sales

Part 2

Name, (registered) address, telephone number of holder of premises licence

**SPIRIT GROUP LIMITED
107 Station Street
Burton on Trent
Staffordshire
DE14 1SZ**

Registered number of holder, ie company number, charity number etc.

05266811

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

**John Parker, c/o The Swan Public House
89 Ridgway
Wimbledon
SW19 4SU**

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

**LN 2005 0093
London Borough Of Merton**

Annex 1 - Mandatory conditions

Mandatory conditions where licence authorises supply of alcohol

- (1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
- (2) The first condition is that 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 personal licence is suspended.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory condition: 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 made by that body.
- (3) Where:
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has 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 persons 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 (c.39) (authority to determine suitability of video works for classification).

Mandatory condition: door supervision

- (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, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.
- (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 (c.12) (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 that Act).
- (3) For the purposes of this section:
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, 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.

Prohibited conditions: plays

- (1) In relation to a premises licence which authorises the performance of plays, no condition may be attached to the licence as to the nature of the plays which may be performed, or the manner of performing plays, under the licence.
- (2) But subsection (1) does not prevent a licensing authority imposing, in accordance with section 18(2)(a) or (3)(b), 35(3)(b) or 52(3), any condition which it considers necessary on the grounds of public safety.

ENVIRONMENT AND REGENERATION DEPARTMENT
Licensing Section
London Borough of Merton
14th Floor, Merton Civic Centre
London Road
Morden, Surrey
SM4 5DX

Tel: 020 8274 4901
www.merton.gov.uk/licensing



Annex 2 - Conditions consistent with the Operating Schedule

NONE FOR THE PURPOSES OF THIS CONVERSION UNDER THE TRANSITIONAL PROVISIONS OF THE LICENSING ACT 2003

ENVIRONMENT AND REGENERATION DEPARTMENT
Licensing Section
London Borough of Merton
14th Floor, Merton Civic Centre
London Road
Morden, Surrey
SM4 5DX

Tel: 020 8274 4901
www.merton.gov.uk/licensing



Annex 3 - Conditions attached after a hearing by the licensing authority

NONE FOR THE PURPOSES OF THIS CONVERSION UNDER THE TRANSITIONAL PROVISIONS OF THE LICENSING ACT 2003

LICENSING ACT 2003

Part B Premises licence summary

Premises licence number

CPL 2005 0010

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

**The Swan Public House
89 Ridgway
Wimbledon
SW19 4SU**

Telephone number

020 8946 1652

Dates where the licence is time limited

NOT APPLICABLE

The opening hours of the premises

Monday to Saturday: 10:00 until 23:00 hours and until 12 midnight when alcohol is served ancillary to a substantial meal

Sunday: 10.00 until 22.30 and until 23.30 hours when alcohol is served ancillary to a substantial meal

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

On each day until 21.00 hours, no person under the age of 14 years is permitted in a bar except in that area specified in the Children's Certificate granted to these premises. Meals and beverages other than intoxicating liquor must be available for sale for consumption in that area. A person over the age of 18 years must accompany the child.

Sale & supplies of alcohol, whether these are on and/or off supplies

Both ON & OFF sales

Licensable activities and permitted times authorised by the licence

Alcohol shall only be sold during the following hours:

- On weekdays, other than Christmas Day, Good Friday or New Year's Eve, between 10.00 and 23.00 hours.
- On Sundays, other than Christmas Day or New Year's Eve, between 12.00 and 22.30 hours.
- On Good Friday, between 12.00 and 22.30 hours.
- On Christmas Day, from 12.00 to 15.00 and 19.00 to 22.30 hours.
- When New Year's Eve is on a weekday, from 10.00 on New Year's Eve until 23.00 hours on New Year's Day, except when New Year's Day is on a Sunday, then the sale of alcohol shall cease at 22.30.
- When New Year's Eve is on a Sunday, from 12.00 on New Year's Eve until 23.00 hours on New Year's Day.
- On Christmas Day, alcohol may be sold between 15.00 and 19.00 hours when ancillary to a table meal.
- On days, other than Christmas Day, alcohol may be sold for one hour after the hours stated above when ancillary to a table meal.
- In the area covered by the Children's Certificate (as shown on the plan that accompanied the application to the Licensing Justices) meals and non-alcoholic beverages must be available for sale for consumption in that area until 9pm.

Name, (registered) address, telephone number of holder of premises licence

SPIRIT GROUP LIMITED
107 Station Street
Burton on Trent
Staffordshire
DE14 1SZ

Registered number of holder, ie company number, charity number etc.

05266811

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

John Parker

18 AUG 2005

London Borough of Merton

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 completed form for your records.

RECEIVED

18 AUG 2005

I/We Spirit Group Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number
Not Known Yet

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

Swan
89 Ridgeway
Wimbledon

Post town London

Post code SW19 4SU

Telephone number at premises (if any) 02089 461652

Non-domestic rateable value of premises £54,000

Part 2 – Applicant details

Daytime contact telephone number	01283 545320		
E-mail address (optional)			
Current postal address if different from premises address	Spirit Group Limited 107 Station Street		
Post Town	Burton-on-Trent	Postcode	DE14 1SZ

Checked on 22⁸/05

17

18/6/05

London Borough of Merton

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day		Month		Year	

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To extend the hours for the sale and supply of alcohol and other licensable activities to: Sunday (00:00), Monday (00:00), Tuesday (00:00), Wednesday (00:00), Thursday (01:00), Friday (01:00), Saturday (01:00).

Provision of late night refreshment to: Sunday (01:00), Monday (01:00), Tuesday (01:00), Wednesday (01:00), Thursday (02:00), Friday (02:00), Saturday (02:00).

To remove the restrictions relating to drinking up time.

To allow credit sales.

To allow accompanied children under 16 to be permitted in the bar in line with the provisions of the Licensing Act 2003.

- to allow limited entertainment in line with the current provisions of Section 182 Licensing Act 1964 ("two in a bar").

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

n/a

London Borough of Merton

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.

Provision of regulated entertainment

Please tick yes

- 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)
- 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)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

London Borough of Merton

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10:00	00:00	Please give further details here (please read guidance note 3) Limited to a maximum of two performers, as currently permitted under s182 Licensing Act 1964, and to entertainment at bona fide private events.		
Tue	10:00	00:00			
Wed	10:00	00:00	State any seasonal variations for the performance of live music (please read guidance note 4) On St. David's Day, St. Patrick's Day, St. George's Day, and St. Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police.		
Thur	10:00	01:00			
Fri	09:00	01:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.		
Sat	09:00	01:00			
Sun	10:00	00:00			

London Borough of Merton

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) The playing of all descriptions of amplified recorded music as permitted under the existing licence(s). Variation applies to hours of operation only.		
Mon	10:00	00:00			
Tue	10:00	00:00	State any seasonal variations for the playing of recorded music (please read guidance note 4) On St. David's Day, St. Patrick's Day, St. George's Day, and St. Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police.		
Wed	10:00	00:00			
Thur	10:00	01:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5) For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.		
Fri	09:00	01:00			
Sat	09:00	01:00			
Sun	10:00	00:00			

London Borough of Merton

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u> Live entertainment as permitted under the existing licence(s), and karaoke</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input checked="" type="checkbox"/>
Mon	10:00	00:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	10:00	00:00	<p><u>Please give further details here</u> (please read guidance note 3) Live entertainment as permitted under the existing licence(s), and karaoke</p>		
Wed	10:00	00:00			
Thur	10:00	01:00	<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4) On St. David's Day, St. Patrick's Day, St. George's Day, and St. Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police.</p>		
Fri	09:00	01:00			
Sat	09:00	01:00	<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5) For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.</p>		
Sun	10:00	00:00			

London Borough of Merton

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing For bona fide private events	
Mon	10:00	00:00	Please give further details here (please read guidance note 3)	
Tue	10:00	00:00		
Wed	10:00	00:00	State any seasonal variations for providing dancing facilities (please read guidance note 4) On St. David's Day, St. Patrick's Day, St. George's Day, and St. Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police.	
Thur	10:00	01:00		
Fri	09:00	01:00	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5) For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.	
Sat	09:00	01:00		
Sun	10:00	00:00		

London Borough of Merton

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment <u>take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	23:00	01:00			
Tue	23:00	01:00			
Wed	23:00	01:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
			On St. David's Day, St. Patrick's Day, St. George's Day, and St. Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police.		
Thur	23:00	02:00			
Fri	23:00	02:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
			For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.		
Sat	23:00	02:00			
Sun	23:00	01:00			

London Borough of Merton

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) On St. David's Day, St. Patrick's Day, St. George's Day, and St. Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police.					
Mon	10:00	00:00						
Tue	10:00	00:00						
Wed	10:00	00:00						
Thur	10:00	01:00						
Fri	09:00	01:00						
Sat	09:00	01:00						
Sun	10:00	00:00						
						Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.		

N

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

Under 18 year olds will not be allowed to play on Section 34 permitted AWP machines.

Children will not be allowed in the area immediately adjacent to the bar servery.

London Borough of Merton

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) On St. David's Day, St. Patrick's Day, St. George's Day, and St. Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police.
Day	Start	Finish	
Mon	09:00	01:00	
Tue	09:00	01:00	
Wed	09:00	01:00	
Thur	09:00	02:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the police.
Fri	08:00	02:00	
Sat	08:00	02:00	
Sun	09:00	01:00	

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

To remove the restrictions and effects of Section 168, 168a and 171 Licensing Act 1964 so as to allow the provisions under the Licensing Act 2003 to apply in relation to children.

To remove the restrictions on consumption of alcohol as set out in Section 63(1) Licensing Act 1964 (drinking up time).

To remove the restrictions on credit sales in place by Section 166 Licensing Act 1964.

To extend the terminal hour at the premises in respect of the sale of alcohol and other licensable activities.

London Borough of Merton

Please tick yes

- 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 failed to enclose the premises licence or relevant part of premises licence

We have not yet received the premise licence.

London Borough of Merton

P Describe 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,e) (please read guidance note 9)

We have applied for an extended period between the cessation of the supply of alcohol and the closure of the premises to give us the option to allow for a more gradual dispersal of customers. The style and operation of the pub will not differ significantly during the extended hours. Where this is appropriate, non-alcoholic refreshment will be available in the extended period. The premises will respect Spirit Group's Approach to Responsible Drinking (a copy of which is enclosed in support of this application). Our policies change at regular intervals to reflect current trends and it would be inappropriate to standardise them on a permanent basis. The enclosed policy is included for information only and not as suggested conditions or to form part of any other Operating Schedule.

b) The prevention of crime and disorder

When door staff are used they will be Security Industry Authority (SIA) approved and operate in accordance with the security industry guidelines. A zero tolerance towards illegal drugs will be enforced at all times. If a disc jockey is used on any night then he/she will ask customers to leave quietly. All instances of crime and disorder will be reported to the police and will be kept in an incident log book.

c) Public safety

Public safety is integral to the way that the Spirit Group runs its business and is reviewed regularly through our health and safety policy. This policy is fully briefed and trained to all management and staff and we will continue to train our staff to the standards required by relevant legislation. Free drinking water will be available at all times.

d) The prevention of public nuisance

Additional patrols will take place by members of staff, internally and externally, to limit any noise pollution when entertainment is being offered within the premises. Notices will be displayed asking our customers to respect our neighbours when leaving the premises. Soft drinks and non-alcoholic refreshment will be available if we decide to use the option to stay open for an extended period between the cessation of the supply of alcohol and the closure of the premises (see above under General).

e) The protection of children from harm

When children are allowed upon the premises, any entertainment offered within the premises will be suitable for young persons. Children will be required to be supervised by the accompanying adult at all times. A no smoking area will be provided. Soft drinks and non-alcoholic drinks will be available. A recognised Proof of Age Policy will be enforced.

London Borough of Merton

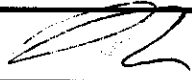
Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	12/8/05
Capacity	Licensing Administrator, employee of the applicant

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

The Licensing Manager
Spirit Group Limited

Post town	Burton-on-Trent	Post code	DE14 1SZ
Telephone number (if any)	01283 545320		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			



Our Approach to Responsible Drinking

- Our pricing policy is about delivering great value for customers at fair, competitive prices - it is not about encouraging excessive drinking.
- We don't offer financial incentives to customers to drink to excess (e.g we don't have 'all-you-can-drink for a set price' offers).
- We make sure any time limited alcohol promotion is offered over a reasonable period.
- We don't sell alcohol to anyone who's under age – we always ask for Proof of Age when in doubt.
- We don't charge for tap water.
- We support anti drink/drive initiatives (e.g Dept of Transport Think! Campaign).
- We stay focused on food sales as an important part of our offer.
- We respect the fact that many of our pubs are in residential areas and take steps as far as possible to limit any noise from inside our premises.
- We have a zero tolerance approach towards drugs on our premises.
- We use toughened glass for pints and half pints in our outlets as far as possible and are moving progressively towards 100% usage.
- We make sure that all our Team Players' training is focused on creating a safe and welcoming environment for our customers.
- We are rolling out Security Industry Authority (SIA) approved door supervisors across our estate, in line with the Government approved roll out plan.
- We attend local Pubwatch (or equivalent) meetings where they are in place.
- Any pub specific alcohol related promotional activity is signed off by the relevant Business Development Manager, who is responsible for compliance with our policy.

December 2004

Spirit Group Ltd, 107 Station Street, Burton on Trent, Staffordshire DE14 1SZ



VW - Merton Borough

The Licensing Department,
London Borough of Merton,
Merton Civic Centre,
Morden
SM4 5DX

Wimbledon Police Station
15-23 Queens Road
London
SW19 8NN

Telephone: 020 8649 3171
Facsimile: 020 8649 3090
Email: Peter.Sparham@met.police.uk
www.met.police.uk

Your ref:

Our ref:

7th September 2005

Dear Sir

Re:- Application for conversion and variation of Hours under the Licensing Act 2003 – The Swan, 89 Ridgeway, Wimbledon. SW19 4SU

On 18th August 2005 Police received a copy of an application made in respect of the above premises by Spirit Group Ltd for a variation of the Premises Licence granted on 26th July 2005.

Police offer the following comments and representations regarding this application together with conditions that are suggested to be attached to the new licence.

Current Situation

These premises are currently owned by Spirit Group Ltd and operate as The Swan. It is situated in a residential area. The current licence permits the sale of alcohol between 10.00 am and 11.00pm on weekdays and from 12.00pm to 10.30pm on Sundays.

There is no Public Entertainment Licence in force at these premises, but the Act provides an exemption for up to two performers per day in licensed premises.

The Application

In general terms the application seeks to vary the existing licence in a number of ways as follows:-

1. To allow accompanied children under 16 to be permitted in the bar in line with the provisions of the Licensing Act 2003.
2. To extend the hours for sale and supply of alcohol and other licensable activities to: Sunday (00.00), Monday (00.00), Tuesday (00.00), Wednesday (00.00), Thursday (01.00), Friday (01.00), Saturday (01.00).
3. To remove the restrictions in relation to drinking up time

4. To allow credit sales.
5. Removal of certain conditions on the licence(s).
6. Provision of late night refreshment.
7. To allow limited entertainment in line with the current provisions of Section 182 Licensing Act 1964 ("two in a bar")

Representations

1. Sections E, F, H, J, L and M make reference under "seasonal variations" to St David's Day, St Patrick's Day, St George's Day and St Andrew's Day where the finish time will be extended by one hour, with seven days notice and agreement with the Police.

In the same sections under "Non standard timings" finish times will be extended by one hour for statutory bank holiday weekend periods and for the Thursday before Good Friday and for Christmas Eve.

Again under "Non standard timings" finish times will be extended by one hour on occasions of 'national or international significance or for charitable events'. This will be with seven days notice and agreement with the police.

Since January 2004 these premises have applied for five Special Orders of Exemption to extend their hours, it is therefore questionable as to why the above extensions to hours cannot be catered for by the twelve Temporary Event Notices permitted under the Licensing Act 2003 given that these would be over and above any extension to hours applied for within this application.

2. The premises have applied to remain open until 01.00 with licensable activities to end at 00.00 on Monday, Tuesday, Wednesday and Sunday and 02.00 on Thursday, Friday and Saturday 01.00 respectively.

As already stated these premises are situated in a residential area, the impact of them being open for these extended hours will be substantial in terms of the impact on the quality of life within the surrounding area. Potentially this will have the 'knock on' effect of increasing crime and disorder.

Additionally, if the extra hours under seasonal variations and non standard timings are granted hours will increase by a further hours on up to 42 other days. This will clearly have an effect on the local area.

Requested Conditions

The London Borough of Merton has a thriving night-time economy and as such has felt it appropriate to designate two areas in the borough as Cumulative Impact Areas under the Licensing Act 2003, namely Wimbledon Town Centre and Wimbledon Village. There are also four Dispersal Areas on the borough aimed at limiting disorder. These premises are on the edge of Wimbledon Village and fortunately rarely require Police intervention however there is a clear link between Crime and Disorder and the consumption of alcohol, therefore following conditions are suggested in an attempt to prevent problems within the area.

1. The premises have a terminal hour of 23.00 for all licensable activities each day and the premises are open to the public until 00.00.
2. The premises are to operate a fully independent recordable CCTV system covering the entry and public areas whilst open to the public.
3. SIA registered door staff are employed. This is double edged, firstly to discourage unruly behaviour but also to assist in the dispersal of those at the venue.
4. An occurrence book is available for inspection by Police, Local Authority, LFB and Health and Safety at the premises.
5. The management at the premises are members of the Pubwatch in the area. Pubwatch can be a valuable tool in limiting the effects of crime and disorder by Police, licensees and other agencies being able to disseminate information relevant to the area in terms of trends and specific problems.
6. A permanent notice is affixed to a prominent part of the premises advertising hours where the premises will be open to the public.

Yours faithfully,

Peter Sparham

PLANNING AND PUBLIC PROTECTION

Head of Planning and Public Protection - Steve Clark

date: 16th September 2005
my ref: ES_PP/KH/Swan
please ask for: Miss K Harlow
your ref:

The Licensing Department
London Borough of Merton
Merton Civic Centre
14th Floor
SM4 5DX

London Borough of Merton
Merton Civic Centre
London Road
Morden, Surrey SM4 5DX
DX 41650 Morden

Switchboard: (020) 8274-4901
Minicom: (020) 8545-3245
Telex: 893062
Fax: (020) 8545-4025
Direct Line: (020) 8545-3019

Dear Sir/Madam,

Re: Application for conversion and variation of hours under the Licensing Act 2003 – The Swan, 89 Ridgeway, SW19 4SU.

The Environmental Health Department has received a copy of the above application and wish to make the following representations and suggest conditions to be attached to the new licence.

The Environmental Health Department considers that the operating schedule is inadequate in the promotion of the licensing objective concerned with the prevention of public nuisance. There are residential properties situated approximately 20 metres away from the property, which in our opinion, could potentially be affected by noise escape from the above premises. The out of hours noise service has received a complaint from a local resident on 20th August 2005 which was not substantiated. Principal Environmental Health Officer Mr Nottage carried out visits on 26th and 27th August 2005 to investigate if there was any noise escape from the above premise and there were no noise problems on these occasions. The above premises are applying for later hours and wish to provide regulated entertainment such as recorded music, karaoke and live music inside the premises.

Therefore to prevent sound escape form the premises and public nuisance the Environmental Health Department suggest the following conditions;

1. That all doors and windows apart from access and egress are kept shut whilst regulated entertainment is being provided at the premises. That the door without a lobby situated on the right side of the property shall be kept shut whilst regulated entertainment is being provided at the premises and shall only be used as an emergency exit if necessary.
2. That while regulated entertainment is provided, patrols will take place on an hourly basis at the perimeter of the property to ensure that there is no sound escape. Any sound escape from

the property shall be addressed immediately and reduced to a level that is not audible at the nearest residential property. After 11pm these patrols shall also address noisy patrons outside the premises. A logbook is to be kept to record such patrols and incidents and shall be made available for inspection by Council Officers.

3. That patrons shall not use the external drinking area after 23.00 hours.
4. That clear signs that are a minimum A4 size are placed at exit points stating “This is a residential area please leave quietly”.

In relation to condition 1, please note that an assessment may be necessary to ensure that the property is adequately ventilated. If appropriate additional ventilation is to be provided the applicant should have regard to any requirements of Planning Legislation.

Yours sincerely,

K Harlow
Senior Environmental Health Officer