

# **Licensing Sub-Committee**

**Thursday 9 March 2017 at 10.00 am**

**To be held at the Town Hall, Pinstone  
Street, Sheffield, S1 2HH**

**The Press and Public are Welcome to Attend**

## **Membership**

**Councillors Alan Law (Chair), Moya O'Rourke and Josie Paszek  
Neale Gibson (Reserve)**

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## **PUBLIC ACCESS TO THE MEETING**

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The Licensing Committee carries out a statutory licensing role, including licensing for taxis and public entertainment.

As a lot of the work of this Committee deals with individual cases, some meetings may not be open to members of the public.

Recording is allowed at Licensing Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday.

You may not be allowed to see some reports because they contain confidential information. These items are usually marked \* on the agenda.

If you require any further information please contact Harry Clarke on 0114 273 6183 or email [harry.clarke@sheffield.gov.uk](mailto:harry.clarke@sheffield.gov.uk).

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## **FACILITIES**

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There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

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**LICENSING SUB-COMMITTEE AGENDA  
9 MARCH 2017**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**  
Members to declare any interests they have in the business to be considered at the meeting
- 5. Licensing Act 2003 - Malin Bridge Inn, 194 Holme Lane, Sheffield S6 4JZ**  
Report of the Chief Licensing Officer

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest (DPI)** relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period\* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

\*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
  - under which goods or services are to be provided or works are to be executed; and
  - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
  - the landlord is your council or authority; and
  - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
  - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
  - (b) either -
    - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Audit and Standards Committee in relation to a request for dispensation.

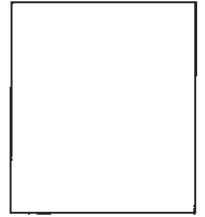
Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email [gillian.duckworth@sheffield.gov.uk](mailto:gillian.duckworth@sheffield.gov.uk).

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## SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



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**Report of:** Chief Licensing Officer, Head of Licensing

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**Date:** 9<sup>th</sup> March 2017

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**Subject:** Licensing Act 2003

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**Author of Report:** Clive Stephenson

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**Summary:** To consider an application to vary a premises licence made under the Licensing Act 2003.

Malin Bridge Inn 194 Holme Lane

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**Recommendations:** That members carefully consider the representations made and take such steps, as the Sub Committee consider necessary for the promotion of the Licensing Objectives.

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**Background Papers:** Attached documents

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**Category of Report:** OPEN

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**REPORT OF THE CHIEF LICENSING OFFICER  
(HEAD OF LICENSING) TO THE LICENSING SUB COMMITTEE  
LICENSING ACT 2003**

Ref No 34/17

**Malin Bridge Inn 194 Holme Lane Sheffield S6 4JZ**

**1.0 PURPOSE OF REPORT**

1.1 To consider an application for the variation of a premises licence made under Section 34 of the Licensing Act 2003.

**2.0 THE APPLICATION**

2.1 The applicant is Mr Stephen Marston-Revitt.

2.2 The application, which was received on 13<sup>th</sup> January 2017, is attached to this report labelled Appendix 'A'. Any blank pages have been omitted to save paper, but the original application will be available at the hearing.

2.3 A copy of the current Premises Licence is attached at Appendix 'B'.

2.4 During the consultation period, conditions have been proposed by the Responsible Authorities and subsequently agreed by the applicant. A copy of the agreed conditions are attached at Appendix 'C'.

**3.0 REASONS FOR REFERRAL**

3.1 Representations concerning the application have been received from the following and are attached at Appendix 'D':-

1 Public

3.2 The applicant and objectors have been invited to attend the hearing. Copies of the front page of the notices are attached to this report labelled Appendix 'E'

**4.0 FINANCIAL IMPLICATIONS**

4.1 There are no specific financial implications arising from this application. However, additional costs may be incurred should the matter go to appeal. In such an eventuality it may not be possible to recover all these costs. The impact of these additional costs (if any) will be kept under review and may be subject of a further report during the year.

**5.0 THE LEGAL POSITION**

5.1 The Licensing Act 2003 at section 4 (1) requires the Licensing Authority to carry out its functions with a view to promoting the Licensing Objectives which section 4(2) sets out as:-

- a) the prevention of crime and disorder,
- b) public safety,
- c) the prevention of public nuisance,
- d) the protection of children from harm.

5.2 Section 4(3) of the Licensing Act also requires the Licensing Authority to have regard to the published statement of Licensing Policy and any guidance issued by the Secretary of State under section 182.

## **6.0 HEARINGS REGULATIONS**

6.1 Regulations governing hearings under the Licensing Act 2003 have been made by the Secretary of State.

6.2 The Licensing Authority has provided all parties with the information required in the Regulations to the 2003 Act as set out at Appendix 'E'.

6.3 Attached at Appendix 'E' is the following: -

- a) a copy of the Notice of Hearing;
- b) the rights of a party provided in Regulations 15 and 16;
- c) the consequences if a party does not attend or is not represented at the hearing
- d) the procedure to be followed at the hearing.

## **7.0 APPEALS**

7.1 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the applicant and those making representations against decisions of the Licensing Authority to the Magistrates' Court.

## **8.0 RECOMMENDATIONS**

8.1 That Members carefully consider the representations made and take such steps as the Sub Committee consider appropriate for the promotion of the Licensing Objectives.

## **9.0 OPTIONS OPEN TO THE COMMITTEE**

9.1 To vary the premises licence in the terms requested.

9.2 To vary the premises licence with conditions.

9.3 To reject the whole or part of the application.



Stephen Lonnia  
Chief Licensing Officer  
Head of Licensing

9<sup>th</sup> March 2017

# Appendix A

The Application

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# Application to vary a premises licence under the Licensing Act 2003



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**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.

I/We STEPHEN JOHN MARSTON - REVITT  
(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	SY 1103 PR
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**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
MALIN BRIDGE INN 194 HOLME LANE			
Post town	SHEFFIELD	Postcode	S6 4JZ

Telephone number at premises (if any)	0114-2348241
Non-domestic rateable value of premises	£ 32,500

**Part 2 – Applicant details**

Daytime contact telephone number	07775 643431
E-mail address (optional)	jillmarston-revitt@holman.co.uk
Current postal address if different from premises address	
Post town	
Postcode	

13 JAN 2017

Part 3 - Variation

A2

Please tick as appropriate

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

Yes

No

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 guidance note 1)

Extention of the licensing activities to include the outside cocktail bar for the sale of alcohol.

Please see enclosed site plan.

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:

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Please tick as appropriate

A3

- 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.

### M

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 and e) (please read guidance note 9)

Pubwatch - Working in partnership with local authorities. Staff meeting held on a regular basis.

#### b) The prevention of crime and disorder

CCTV. Policing by landlady & staff. Not serving anyone whom appears to be drunk or under the influence of illegal substances.

#### c) Public safety

First aid box available.  
Incident hand book  
Clear fire exits. Full risk assessment

#### d) The prevention of public nuisance

Noise management policy. Investment of a noise monitoring device  
Restrict noise levels in general especially at night

#### e) The protection of children from harm

Ensuring children are supervised by a responsible adult at all times & off premises by 9pm

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<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)					
Mon								
Tue								
Wed						<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur								
Fri						<b>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</b> (please read guidance note 5)		
Sat								
Sun								

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)					
Mon	12	23.00						
Tue	12	23.00						
Wed	12	23.00				<b>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</b> (please read guidance note 5)		
Thur	12	23.00						
Fri	12	23.00						
Sat	12	23.00						
Sun	12	23.00						



**Part 4 Operating Schedule**

A5

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 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)
- 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 late night refreshment** (if ticking yes, fill in box I)

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

**In all cases complete boxes K, L and M**

Checklist:

Please tick to indicate agreement


AG

- 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 SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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	S M R 
Date	12-1-17
Capacity	Landlord

**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)

<b>Post town</b>		<b>Post code</b>	
<b>Telephone number (if any)</b>			
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b>			

\* Please note:-

A7

Our outside area is now closed down by 11pm & all customers are brought inside.

Smokers are now using the front of the premises to smoke.

We are also in the process of looking into soundproofing more of the outside area. (Foliage, bushes trees etc)

\* I have also enclosed the extra fee for you to copy the relevant authorities.

Thank You.

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Converted / Varied Premises Licence Summary

The Sheffield City Council being the Licensing Authority under the above Act hereby issue this Premises Licence Summary in respect of:

Premises licence number SY 1103 PR

Malin Bridge Inn
194 Holme Lane
SHEFFIELD S6 4JZ

Telephone Number: 0114 2335220

Where the licence is time limited, the dates:

Not Applicable

We hereby certify that this is a true copy of the original document

Dated 13/66

[Signature] (signature)

Licensable activities authorised by the licence.

John Gaunt and Partners Solicitors
372 Cemetery Road
Sheffield
S11 8FT

1. Provision of regulated entertainment:

- (a) films
(b) indoor sporting events
(c) live music
(d) recorded music
(e) performances of dance
(f) anything of a similar description to that falling within (c), (d) or (e)

Table with 2 columns: Day (Sunday to Saturday) and Hours (e.g., 12:00 to 00:30 hours the following day).

When hours for the sale of alcohol are extended hereunder these hours are also extended.

2. Provision of entertainment facilities for:

- (g) making music
(h) dancing
(i) entertainment of a similar description falling within (g) or (h)

Table with 2 columns: Day (Sunday to Thursday) and Hours (e.g., 12:00 to 00:30 hours the following day).



Awarded for excellence



COUNCIL OF THE YEAR 2005



INVESTOR IN PEOPLE

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Friday	10:00 to 01:00 hours the following day
Saturday	10:00 to 01:00 hours the following day

When hours for the sale of alcohol are extended hereunder these hours are also extended.

**3. Sale by retail of alcohol:**

- (a) for consumption on the premises
- (b) for consumption off the premises

Sunday	12:00 to 00:30 hours the following day
Monday	10:00 to 00:00 hours
Tuesday	10:00 to 00:00 hours
Wednesday	10:00 to 00:00 hours
Thursday	10:00 to 00:00 hours
Friday	10:00 to 01:00 hours the following day
Saturday	10:00 to 01:00 hours the following day
New Years Eve (31.12)	10:00 to 00:00 hours
New Years Day (01.01)	00:00 to Standard Terminal Hour

To permit sale of alcohol and such regulated entertainment as authorised hereunder until 01:00 following on Friday, Saturday, Sunday and Monday at bank holiday weekends, Christmas Eve and Boxing Day.

**The opening hours of the premises are:**

**\*Note: These are the times that the public can remain on the premises other than for the above licensable activities.**

Sunday	12:00 to 01:00 hours the following day
Monday	10:00 to 00:30 hours the following day
Tuesday	10:00 to 00:30 hours the following day
Wednesday	10:00 to 00:30 hours the following day
Thursday	10:00 to 00:30 hours the following day
Friday	10:00 to 01:30 hours the following day
Saturday	10:00 to 01:30 hours the following day
New Years Eve (31.12)	10:00 to 00:30 hours the following day
New Years Day (01.01)	00:00 to 23:30 hours

The premises will close 30 minutes after the end of the non-standard timings identified above.

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

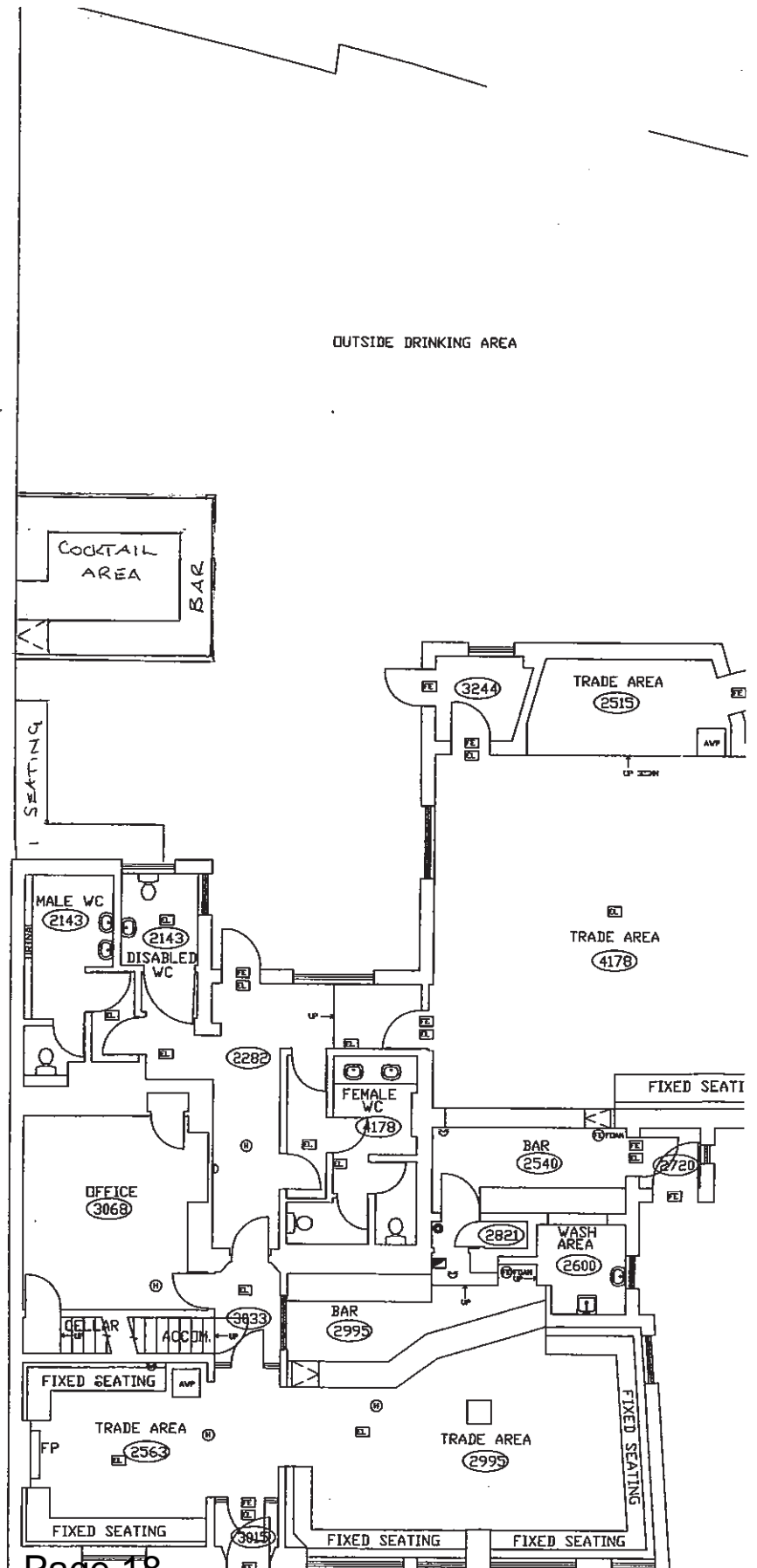
Sale by retail of alcohol for consumption both on and off the premises.

**Name, (registered) address of holder of premises licence:**

Mr Stephen John Marston-Revitt & Mrs Jill Marston-Revitt.  
Malin Bridge Inn

A10

SCALE 1MM = 100CM



# Appendix B

Current Premises Licence

**THE LICENSING ACT 2003****Converted / Varied Premises Licence No: SY 1103 PR**

The Sheffield City Council being the Licensing Authority under the above Act, hereby grant this licence in accordance with the requirements of the Licensing Act 2003 in respect of and subject to the conditions attached:

**PART 1 – Premises details**

Malin Bridge Inn  
194 Holme Lane  
SHEFFIELD S6 4JZ

**Telephone Number:** 0114 2335220

**Where the licence is time limited, the dates:**

Not applicable.

**Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities:**

**1. Provision of regulated entertainment:**

- (a) films
- (b) indoor sporting events
- (c) live music
- (d) recorded music
- (e) performances of dance
- (f) anything of a similar description to that falling within (c), (d) or (e)

Sunday	12:00 to 00:30 hours the following day
Monday	10:00 to 00:00 hours
Tuesday	10:00 to 00:00 hours
Wednesday	10:00 to 00:00 hours
Thursday	10:00 to 00:00 hours
Friday	10:00 to 01:00 hours the following day
Saturday	10:00 to 01:00 hours the following day

When hours for the sale of alcohol are extended hereunder these hours are also extended.

**2. Provision of entertainment facilities for:**

- (g) making music
- (h) dancing
- (i) entertainment of a similar description falling within (g) or (h)

Sunday	12:00 to 00:30 hours the following day
Monday	10:00 to 00:00 hours
Tuesday	10:00 to 00:00 hours
Wednesday	10:00 to 00:00 hours



Thursday	10:00 to 00:00 hours
Friday	10:00 to 01:00 hours the following day
Saturday	10:00 to 01:00 hours the following day

When hours for the sale of alcohol are extended hereunder these hours are also extended.

### 3. Sale by retail of alcohol:

- (a) for consumption on the premises
- (b) for consumption off the premises

Sunday	12:00 to 00:30 hours the following day
Monday	10:00 to 00:00 hours
Tuesday	10:00 to 00:00 hours
Wednesday	10:00 to 00:00 hours
Thursday	10:00 to 00:00 hours
Friday	10:00 to 01:00 hours the following day
Saturday	10:00 to 01:00 hours the following day
New Years Eve (31.12)	10:00 to 00:00 hours
New Years Day (01.01)	00:00 to Standard Terminal Hour

To permit sale of alcohol and such regulated entertainment as authorised hereunder until 01:00 following on Friday, Saturday, Sunday and Monday at bank holiday weekends, Christmas Eve and Boxing Day.

#### The opening hours of the premises are:

**\*Note: These are the times that the public can remain on the premises other than for the above licensable activities.**

Sunday	12:00 to 01:00 hours the following day
Monday	10:00 to 00:30 hours the following day
Tuesday	10:00 to 00:30 hours the following day
Wednesday	10:00 to 00:30 hours the following day
Thursday	10:00 to 00:30 hours the following day
Friday	10:00 to 01:30 hours the following day
Saturday	10:00 to 01:30 hours the following day
New Years Eve (31.12)	10:00 to 00:30 hours the following day
New Years Day (01.01)	00:00 to 23:30 hours

The premises will close 30 minutes after the end of the non-standard timings identified above.

#### Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Sale by retail of alcohol for consumption both on and off the premises.

**PART 2****Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:**

Mr Stephen John Marston-Revitt & Mrs Jill Marston-Revitt.  
 Malin Bridge Inn  
 194 Holme Lane  
 SHEFFIELD S6 4JZ

**Telephone Number:** 0114 2335220

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

Stephen John Marston-Revitt  
 Malin Bridge Inn  
 194 Holme Lane  
 SHEFFIELD S6 4JZ

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

**Personal Licence Number:** SY 0706 Per  
**Issuing Authority:** Sheffield City Council

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

Restricted.

**This Premises Licence shall be in force from the Second Appointed Day.**

**Issued on: 19<sup>TH</sup> December 2005**

.....  
**Assistant Chief Executive Legal and Governance**  
**On behalf of Sheffield City Council (issuing licensing authority)**

## Annex 1 – Mandatory Conditions

### **Mandatory Condition 1 (Section 19 ss 2)**

Where a licence authorises the sale of alcohol then 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.

### **Mandatory Condition 2 (Section 19 ss 3)**

Where a licence authorises the sale of alcohol then every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### **Mandatory Condition 3 (Section 20)**

1. Where a premises licence authorises the exhibition of films, the licence includes the following conditions relating to the admission of children to the exhibition:

- (a) The admission of children (under 18) to the exhibition of any film must be restricted in accordance with the classification set by the film classification body (currently the BBFC).
- (b) In a case where there is no classification given by the classification body (the BBFC) the admission of children to the exhibition of any film must be restricted in accordance with any recommendation given by the Licensing Authority.

2. 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 4 (Section 21)**

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 be licensed by the Security Industry Authority.

**Annex 2 – Conditions consistent with the operating schedule**

1. Any person exercising a security activity (as defined by paragraph 2(1)(a) of schedule 2 of the Private Security Industry Act 2001) shall be licensed by the Security Industry Authority
2. Such a person will be employed at the premises at the discretion of the designated premises supervisor/holder of the Premises Licence.
3. Any person as defined in condition (1) will clearly display his name badge at all times whilst on duty.
4. No customers apparently carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public.
5. 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.
6. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.
7. When regulated public dancing is to take place on the premises in an area not previously approved for dancing by the authority, at least 14 days notice must be given to Environmental and Regulatory Services (Health Protection Service) and the Licensing Authority, identifying the area to be used which would be suitable and adequate in size as the designated dance floor for the intended use and dancing must not take place in that area unless approved by the authority.
8. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
9. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
10. 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.
11. Children under the age of 16 must be off the premises by 21:00 hours (unless attending a private function).
12. The designated premises supervisor, or some other person, will be assigned to act as lead safe guarder for children's issues at the premises.
13. A permanent fixed residual current device (RCD) must protect the electrical power supply serving all amplified music equipment used for the purpose of live music and other entertainment.

Any embedded permissions and restrictions attached to the justices on/off licence including those specified at Appendix 1.

Specific conditions converted from the Public Entertainment Licence.

1. Capacity

- 1) The number of members of the public who may be present at any one time on the premises or in any part of such premises specified below shall not exceed: -

Area	Capacity
Games Room	100

- (2) Where the Council is of the opinion that in order to avoid or reduce any disturbance of or annoyance to residents in the neighbourhood of the premises or the occurrence of disorderly conduct in the premises, it is desirable for the permitted hours specified in sub-paragraph (1) above to be varied, the Council may, after affording the licensee the opportunity of making representations to the Council, by notice served on the licensee vary the permitted hours and thereafter the hours specified in the notice shall apply in substitution for the hours specified in sub-paragraph (1) above.

Other Special Conditions

1. All windows in the games room must remain closed and locked when public entertainment is taking place.
2. All fire doors servicing the games room must remain closed, unless of an emergency, when public entertainment is taking place.
3. If significant noise breakout is witnessed by an authorised officer of the Council or South Yorkshire Police so as to adversely affect the amenity of the area, the Licensing Authority shall require steps to be taken to remediate the problem, such steps may include execution of works to the structure of the premises from which the noise is emitted.
4. The capacity of the games room will be increased to 100 when an additional female toilet has been provided.

# Appendix C

Agreed Responsible Authority Conditions

Agreed Condition

CI

**From:** SHEFFIELD\_Licensing [mailto:Sheffield.Liquor-Licensing@southyorks.pnn.police.uk]  
**Sent:** 07 February 2017 14:54  
**To:** licensingservice  
**Subject:** FW: Application to vary premise licence-Malin Bridge, 194 Holme Lane

Dear All,

Following receipt of the above application we have now received confirmation from the applicant that they will adhere to the following condition:

- The use of glass alternative drinking vessels shall be utilised in accordance with the premises assessment of risk.

Please place on the licence should the variation be granted.

Thanks

Lucy

Sheffield Licensing Section  
 South Yorkshire Police  
 Force Headquarters  
 Carbrook House  
 5 Carbrook Hall Road  
 Sheffield  
 S9 2EH  
 Licensing Team  
 Lucy Adams 0114 2523617 internal 718617  
 Tracey Klein 0114 2523948 internal 718948  
 Andrea Marsden 0114 2523618 internal 718618  
 Cheryl Topham 0114 2523163 internal 718163  
 Alicia Marsden 0114 2523111 internal 718 111  
 Daniel Barraclough 0114 2523556 internal 718556  
 Benita Mumby (Licensing Manager) 0114 2964308 internal 714308  
 Fax 0114 2523688 Internal 8688  
<http://www.southyorkshire.police.uk/>



Please be advised that the content of emails may be submitted as evidence to a Licensing hearing should issues arising not be resolved. The Local Council may post them as part of the process on their Website which has public access.

To find out who your local Safer Neighbourhood Team officer is, how to contact them, and to find out what's happening in your area enter your postcode at <http://neighbourhood.southyorks.police.uk>

**From:** Jill Marston-Revitt [mailto:jillmarston-revitt@hotmail.co.uk]  
**Sent:** 03 February 2017 11:23  
**To:** SHEFFIELD\_Licensing  
**Subject:** Re: Application to vary premise licence

Hello Lucy

Jill and Steve are both happy to adopt the condition below to the outside bar.

Many thanks

**From:** Pates Neal  
**Sent:** 24 February 2017 14:27  
**To:** Stephenson Clive (CEX)  
**Cc:** [REDACTED]  
**Subject:** RE: Malin Bridge Inn  
**Attachments:** Re: Malin Bridge Inn - Variation  
  
**Importance:** High

Hello Clive,

Sorry, I've been off a few days for half term. Please see the attached email, which is the latest correspondence I've had and includes a revised version of the NMP that both the applicant and EPS are now happy with. The email also indicates that the following no. 5 conditions are also agreed and volunteered by the applicant to satisfy EPS concerns.

- The Designated Premises Supervisor or a delegated member of staff must take a pro-active approach to noise control, regularly and frequently checking outside the premises to ensure that the breakout of internal noise and noise from patrons using the external areas and departing the premises is managed so as not to cause a nuisance to occupiers of nearby residential properties.
- The premises licence holder shall prominently display notices at suitable positions with the rear beer garden and outdoor bar area reminding patrons to keep noise levels to a minimum and to respect the local neighbours' needs.
- A Noise Management Plan (NMP) shall be held on site detailing agreements with the Local Authority over the broadcast of amplified outdoor sound, the management of outdoor events, procedures for monitoring and controlling the behaviour of customers using outside areas and facilities (including smokers in the immediate vicinity of the premises), and the dispersion of customers towards the close of trading. Staff shall be suitably trained to implement the NMP and a copy of the NMP and any referenced policies shall be made available upon request by the Licensing Authority.
- Use of the outdoor bar for the supply of alcohol shall not commence until such time design and settings of as all amplified sound provisions for the outside area have been approved in writing by SCC Environmental Protection Service (EPS). The provisions shall not then be altered without prior written approval from EPS.
- The use of the outside bar area for all licensable activities shall only be in accordance with the seasonal variation in permitted hours, as described and agreed in the approved Noise Management Plan.

Please note that Ben acts for Jill and Stephen Marston-Revitt. Ben also asked me this morning whether Jill and/or Stephen would need to appear at the hearing, if he could represent? If you could copy the cc'd email to your response it will be seen by Ben.

Thanks.

Neal

Neal Pates  
Environmental Protection Officer

EPS Commercial Team  
Sheffield City Council  
Tel (0114) 273 4651  
Mob 07795 528 038  
Int x 53588

**From:** Stephenson Clive (CEX)  
**Sent:** 24 February 2017 12:07  
**To:** Pates Neal  
**Subject:** Malin Bridge Inn

Hi Neal



# NOISE MANAGEMENT PLAN

## Malin Bridge Inn: Beer Garden & Cocktail Bar

21 Feb 2017

Noise Management Plan for the Malin Bridge Inn's Beer Garden and Cocktail Bar.

A Noise Management Plan (NMP) shall be held on site detailing agreements with the Local Authority over the broadcast of amplified outdoor sound, the management of outdoor events, procedures for monitoring and controlling the behaviour of customers using outside areas and facilities (including smokers in the immediate vicinity of the premises), and the dispersion of customers towards the close of trading. Staff shall be suitably trained to implement the NMP and a copy of the NMP and any referenced policies shall be made available upon request by the Licensing Authority.

The plan has been developed with assistance from Environmental Protection Services and is designed to prevent public nuisance and meet the licensing objectives under the Licensing Act 2003.

All Management, Event Management, Bar staff and Door Security are to fully understand and comply with this Noise Management Plan at all times. New employees must fully understand and comply with the Noise Management Plan before their first scheduled shift. All staff will undergo training on how to properly implant this plan before summer 2017.

Multiple copies of the Noise Management Plan will be kept in the top filing cabinet if any employees need to refer back to this plan. Please make sure that the plan is returned straight away.

The plan has been developed with assistance from Environmental Protection Services and is designed to prevent public nuisance and meet the licensing objectives under the Licensing Act 2003.

Use of the outdoor bar for supply of alcohol shall not commence until such time a design and settings of all amplified sound provisions for the outside area have been approved in writing by Sheffield City Council Environmental Protection Service. The provisions shall not then be altered without prior written approval from EPS.

The use of the outside bar area for all licensable activities shall only be in accordance with the seasonal variation in permitted hours, as described and agreed in the approved Noise Management Plan

Below are the opening times that the cocktail bar can be opened. The cocktail bar may not open for sale of alcohol outside of the stated days and time unless a TENs license is applied for and granted.

Opening times of the cocktail bar:

- January & February - Not open
- March, April & May - Friday & Saturday 18:00 – 22:45
- June - September – Friday & Saturday 15:30 – 22:45 / Sunday 13:00 – 18:00
- October - Friday & Saturday 19:00 – 22:45
- November - Saturday - 19:00 – 22:45
- December – Friday & Saturday 16:00 – 22:45 / Sunday 13:00 – 18:00

The cocktail Bar will shut at 22:45 and no customers are to be served after this time. All customers are to be asked to move into the pub and staff will have 15 minutes to close the outside area and cocktail bar down. All customers and staff are to have left the cocktail bar and outside area by 23:00.

### **Noise Management Polices and Noise Reduction Procedures**

Below is the Noise Management Plan for the Beer Garden and Cocktail Bar only, prepared in accordance for the proposed variation of the licensing activities to the cocktail bar.

#### **Increased Staff Management**

Staff, management and door security will be shown how to detect when customers may be causing a noise nuisance to occupiers of nearby residential properties. Staff will undergo training on how to deal with all type of incidents that may occur in the beer garden and how to use the **Beer Garden Noise Pollution book**.

Extra staff will manage and police the Beer Garden / Cocktail Bar, and work alongside with door security (when required) and the DPS to ensure capacity, safety and public nuisances are managed correctly. This will offer more support for management and ensure a noise pollution incident is reduced, especially during busy periods when there might be a higher chance of an unacceptable noise level incident.

The Designated Premise Supervisor (Steve Marston-Revitt) or a delegated member of staff must take a pro-active approach to noise control, regularly and frequently checking outside the premises to ensure that the breakout of internal noise and noise from patrons using the external areas and departing the premises is managed so as not to cause a nuisance to occupiers of nearby residential properties.

Staff training will take place on ..... 2017

## Reordered Documentation

Management and door security are to document in the **Beer Garden Noise Pollution book** when noise levels have been unacceptable and include the following details; dates, times and what procedure was taken to ensure that the noise is kept to an acceptable level (speaking to customers to explain the need for them to keep their volume down, asking them to move inside the pub or closing the beer garden for customer use).

This procedure will help in ensuring that management can keep a record of when the most amount of noise might be made, if there are any patterns and what can be done to further reduced unacceptable noise levels. This documentation will also contribute in the planning process of summer and winter events and again, how to further reduce noise at those events.

Although the Malin Bridge Inn wish that with the new **Noise Management Polices and Noise Reduction Procedures**, there would be no noise level complaints, it is also understandable that there could be an unexpected noise level incident. If there does happen to be any complaints, management will work with the person who made the complaint and refer back to the **Beer Garden Noise Pollution book** and document the complaint in the same book.

## Customer Awareness

The Premises License Holder shall prominently display notices at suitable positions in the rear beer garden and outdoor bar area reminding patrons to keep noise levels to a minimum and to respect the local neighbours' needs.

Notices will be extended to display on the internal and external digital advertising screens throughout the premises, to increase awareness and both online and in house marketing will include notices for customers to keep noise to an acceptable level and to respect the local neighbours.

## Children's Play Area

Notices are to be placed and kept up-to date in the children's play area asking customers to ensure their children using the play area are not shouting or screaming. Children will be asked to leave the play area if their parents cannot stop their children making too much noise

The children's play area will be shut and locked at 9pm through by management.

## Beer Garden / Cocktail Bar Shut Down

All customers and staff are to have left the Beer Garden by 23:00.

The shut down process will start at 22:45 and the following tasks are to be completed in those 15 minutes:

- Outside music is to be turned off by 22:45
- Cocktail Bar staff must stop serving at 22:45

- Customers are to be asked to move inside the pub by Bar Staff and Management
- Any remaining glassware / crockery are to be taken to the kitchen
- The Cocktail Bar is to be shut down and fully closed
- Any additional lights are to be turned off at 23:00

Customers will then only have the option to smoke on the front of the premises (Holme Lane) instead of the Beer Garden to reduce noise levels from customers. This has meant that management of noise levels from customers has become very successful and easy to control. Customers wishing to smoke after 23:00 can only smoke on the front of the premises and are not allowed to take their drink outside with them.

A member of management is to supervise the front entrance to ensure no drinks are taken outside and that noise levels are also monitored and controlled.

The DPS is to delegate the above role and is restricted to management employees only.

### **Outside background music**

Background music will be played when the Cocktail Bar is open through a smaller sound system. The sound system will be designed and installed by Keeday and will have an approved and limited maximum output by the SSC Environmental Protection Services. Smaller Watt speakers are to be placed strategically in the Beer Garden and be directed anyway from sensitive neighbours. The music will not be too intrusive to any neighbours around the pub and will automatically turn off at 22:45.

### **Management of Events**

It is stated by the Sheffield City Council Environmental Protection Services that "TENs for private functions that seek to vary the use of the outdoor bar (either in terms of extending the dates/hours of use), or seek to revise restrictions or agreements in relation to outdoor amplified sound, shall not be sought." All management to refer back to this point when taking and arranging private functions.

### **Offers and Footfall**

In the past, responsible drink offers have been available at the cocktail bar that saw an increase in footfall to the beer garden, these offers were usually available after 8pm. Instead of having these offers later in the evening, it will be proposed where possible that any offers take place during early in the day time whenever the cocktail bar would be planned to open and would help to manage the flow of customers throughout the day and the balance of noise levels.

### **Entertainment and Music**

The Malin Bridge Inn will only plan a maximum of 5 publicly attended outside events where the use of the in-house PA system will be required.

GA

A TENs license will be applied for if the event requires use of outside entertainment and the use of the in-house PA system.

Louder events that require the in-house PA system will be limited to a set maximum level to ensure sound cannot go above the set limit, nor be tampered with. This limited sound level will be agreed by the SCC Environmental Protection Services.

Under no circumstances must the in-house PA system be used after 22:00. This is to be stated in the contract when booking acts and performers.

Management are to shut off the power at 22:00 from inside for the outside stage area where bands and acts will perform.

### **Crowd Management and good will**

It is proposed that when events are taking place in the Beer Garden, that management and door security are to manage customers entering the premises from the top of the drive which leads into the beer garden. This is to ensure that capacity levels can be managed to match staff presence and will further help in managing noise levels and a public nuisance.

**Customer levels will be tracked with a clicker to ensure that no more than 200 people are in the Beer Garden at any one time.**

Extra staff will be on hand to manage the flow of customers by directing them inside or onto the front of the pub. When large events are planned, the function room will not be hired out for a private function to ensure that the customers coming from the Beer Garden have somewhere to go once outside has been shut down.

From past experiences, once the entertainment at an event has finished, customers generally start to disperse of their own accord, resulting that by the end of the event customer numbers have dramatically reduced. With this theory it is proposed that all entertainment at the larger scale events is to finish well before 22:00 and where possible any entertainment would be better suited at around 18:00. The event management team are to take this into account when organising and booking events for outside.

Although the vast majority of the customers that are local to the Malin Bridge Inn do visit and attend the events on a regular basis, an offer is to be made available for surrounding neighbours to enjoy. A flyer will be posted through their door informing them of the event details and include either a free drink or meal on the day of the event. To be noted that this policy is still being considered awaiting feedback. The event management team are to take this into account for all of the outside events.

## Notes for the DPS and PLH

C8

- If any complaints are to be received while this Sound Management Plan is in action, a full review should be carried out and amendments to be made. The Sheffield City Council Environmental Protection Services should be informed of any proposed changes to this plan.
- The NMP should be reviewed if any changes are made to the Beer Garden layout.
- The NMP should be reviewed if the Licensing Authority propose any changes in writing.
- The NMP should be updated if the DPS or PLH changes.

# Appendix D

Objections  
1 Public

Anderson Anne (CEX)

DI

**From:** Anderson Anne (CEX) on behalf of licensingservice  
**Sent:** 07 February 2017 11:01  
**To:** Anderson Anne (CEX)  
**Subject:** FW: Malin bridge inn holme lane

---

**From:** Joseph Wilson [REDACTED]  
**Sent:** 06 February 2017 15:22  
**To:** licensingservice  
**Subject:** Malin bridge inn holme lane

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** 2 February 2017 at 12:42:27 GMT  
**To:** <[licensingservice@sheffield.gov.uk](mailto:licensingservice@sheffield.gov.uk)>  
**Subject:** Malin bridge inn holme lane

I would like to object to the license for outside bar because of noise which is getting worse since they have made the outside a beer garden also the loud music which they play every time they have a event outside it keeps me up most of the night. If they have a 7 day a week bar out side the noise will be unbearable I don't mind it over a couple of nights but having it all week won't be acceptable. The noise can be unbearable as it is at the moment and that's within the pub.

[REDACTED]  
[REDACTED]  
Mr James C Wilson

Sent from my iPhone



**From:** Wragg Martyn (NCC)  
**Sent:** 14 February 2017 15:06  
**To:** [REDACTED]  
**Subject:** FW: Licence Objection Malin Bridge Inn

Dear Mr Wilson

Have you had chance to consider if the proposed changes listed below would change you view on the situation.

If we do not hear from you that you want to withdraw your objection, the application to vary the licence will be Considered at a Licencing Committee. You will be contacted about where and when this committee will sit and Given an opportunity to attend and put your objection in person.

If you require any more information please do not hesitate to contact me on the details below

Regards

Martyn

**Martyn Wragg**  
Licensing Enforcement & Technical Officer

**NEW**  
**Pre-Application Advice & Consultancy Service**  
**Do you need help with your application or just want it checking?**  
**Then give us a call on 0114 273 4264**  
**This new service starts on Monday 6<sup>th</sup> February 2017**

Licensing Service  
Business Strategy & Regulation  
Block C, Staniforth Road Depot  
Staniforth Road, Sheffield, S9 3HD.

Telephone: 0114 2734264  
Fax: 0114 2734073  
Email: [licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk)      [www.sheffield.gov.uk](http://www.sheffield.gov.uk)

Part or all of the information contained in this document may be subject to legal professional privilege and must not be disclosed without the prior consent of Legal & Governance Services. It may be exempt from disclosure by virtue of Section 42 of the Freedom of Information Act 2000 and Para 10, Sch 7 of the Data Protection Act 1998 P

D3

**From:** Wragg Martyn (NCC)  
**Sent:** 09 February 2017 14:01  
**To:** [REDACTED]  
**Subject:** Licence Objection Malin Bridge Inn

Dear Mr Wilson

The Councils Environmental Protection Service have also made an objection to the variation of the licence and have proposed some changes to the variation, I have listed some of the proposals below. If these are agreed by the applicant would this change your view on the situation.

Key proposed revisions to the application:

- Revision of the seasonal hours proposed for the Supply of Alcohol from the outdoor bar to comply with those presented in the draft NMP. i.e. ;
  - January & February: Closed
  - March, April & May: Saturday only - 19:00 to 22:45
  - June to September: Friday & Saturday - 16:00 to 22:45  
Sunday - 13:00 to 17:30
  - October: Friday & Saturday - 19:00 to 22:45
  - November: Saturday - 19:00 to 22:45
  - December: Friday & Saturday - 16:00 to 22:45  
Sunday - 13:00 to 17:30
- Revision of the Noise Management Plan (NMP) to reflect the following points;
  - Remove reference to the use of an outside electronic noise monitoring device.
  - Remove reference to outdoor bar opening times varying, other than via a Temporary Event Notice.
  - All music, other than that played during TEN events, will be played at background level only, and via system whose design and setting is to be agreed in advance with SCC Environmental Protection Service.
  - Louder music events permitted under TENs will use a PA system limited to a setting which has had the prior agreement of SCC Environmental Protection Service.
  - TENs permitting louder outdoor music events shall be limited to a maximum of 5 publicly attended events per calendar year.
  - At such events louder music shall cease at 22:00 hours.
  - TENs for private functions that seek to vary the use of the outdoor bar (either in terms of extending the dates/hours of use), or seek to revise restrictions or agreements in relation to outdoor amplified sound, shall not be sought.
  - Reference to 'soundproofing' of outside areas should be amended to 'acoustic treatment', 'sound reduction measures', or similar.

Please contact me on my details below if you want to further discuss the matter

Regards

Martyn

# Appendix E

Hearing Notices / Regulations / Procedures



**Notice of hearing of representations  
in respect of the following application:  
LA03 Variation of a Premises Licence Application**

Mr Stephen John Marston-Revitt  
Malin Bridge Inn  
194 Holme Lane  
Sheffield  
S6 4JZ

Emailed to [REDACTED]

The Sheffield City Council being the licensing authority, on the 13<sup>th</sup> January 2017 received your application in respect of the premises known as;

**Malin Birdge Inn, 194 Holme Lane, Sheffield, S6 4JZ**

During the consultation period, the Council received representations from the following authorities / interested parties:

**1 Environmental Protection Services  
1 Public**

on the likely effect of this application on the promotion of the licensing objectives, should it be granted.

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Thursday 9<sup>th</sup> March 2017 at 10am**; following which the Council will issue a notice of determination of the application.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 35(5) of the Act.

The particular points on which the Council considers that it will want clarification at the hearing from a party are as follows:

- 1) Your response to the representations made, upon which you may ask and be asked questions by the parties to the hearing.
- 2) You may also be asked questions by the parties to the hearing, relating to your application for a licence.

Please complete the attached form LAR1 and return it to: **Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD** within five (5) working days before the day or the first day on which the hearing is to be held.

Dated: 20<sup>th</sup> February 2017

Signed: Clive Stephenson  
The officer appointed for this purpose  
Licensing Officer

Please address any communications to: Licensing Service, Sheffield City Council, Block C Staniforth Road Depot Staniforth Road Sheffield S9 3HD. [licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk)

**Right of attendance, assistance and representation**

15. Subject to regulations 14(2) and 25, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.

**Representations and supporting information**

16. At the hearing a party shall be entitled to –
- (a) in response to a point upon which the authority has given notice to a party that it will want clarification under regulation 7(1)(d), give further information in support of their application, representations or notice (as applicable),
  - (b) if given permission by the authority, question any other party; and
  - (c) address the authority

**Failure of parties to attend the hearing**

20. – (1) If a party has informed the authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.
- (2) If a party who has not so indicated fails to attend or be represented at a hearing the authority may:–
- (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
  - (b) hold the hearing in the party's absence.
- (3) Where the authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.
- (4) Where the authority adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

**Procedure at hearing**

21. Subject to the provisions of the Regulations, the authority shall determine the procedure to be followed at the hearing.
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.
24. The authority must allow the parties an equal maximum period of time in which to exercise their rights provided for at regulation 16.
25. The authority may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may –
- (a) refuse to permit that person to return, or
  - (b) permit him to return only on such conditions as the authority may specify,
- but such a person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.

Form LAR 1  
Regulation 8

**EB**

**Notice of actions following receipt of notice of hearing**

To **Licensing Service,  
Sheffield City Council  
Block C Staniforth Road Depot  
Staniforth Road  
Sheffield  
S9 3HD**

I **Mr Stephen Marston-Revitt**  
of **Malin Bridge Inn**

hereby confirm that I have received the Notice of Hearing dated 20<sup>th</sup> February 2017 and notify you as follows **(please complete)**:

I intend to attend the hearing at 10am on Thursday 9<sup>th</sup> March 2017

I do not intend to attend the hearing

I intend to be represented at the hearing by: .....

I consider the hearing to be unnecessary because: .....

.....

I request that .....should appear at the hearing and set out below the point or points on which this person may be able to assist the authority in relation to this application, representations or notice of the party making the request.

Dated: ..... Signed.....

**Please see Regulation 8 overleaf**

Please complete this form and return it to:  
Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD.

[licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk)

**Notice of hearing of representations  
in respect of the following application:  
LA03 Variation of a Premises Licence Application**

ES

Joseph Wilson  
[REDACTED]

Sheffield  
[REDACTED]

Sent by e-mail to [REDACTED]

The Sheffield City Council being the licensing authority, on the 13<sup>th</sup> January 2017 received an application in respect of the premises known as;

**Malin Bridge Inn 194 Holme Lane Sheffield S6 4JZ**

During the consultation period, the Council received representations from the following authorities / interested parties:

**1 Environmental Protection Services  
1 Public**

on the likely effect of this application on the promotion of the licensing objectives, should it be granted.

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Thursday 9<sup>th</sup> March 2017 at 10am**; following which the Council will issue a notice of determination of the application.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 35(5) of the Act.

The particular points on which the Council considers that it will want clarification at the hearing from a party are as follows:

- 1) Your response to the representations made, upon which you may ask and be asked questions by the parties to the hearing.
- 2) You may also be asked questions by the parties to the hearing, relating to your application for a licence.

Please complete the attached form LAR1 and return it to: **Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD** within five (5) working days before the day or the first day on which the hearing is to be held.

Dated: 20<sup>th</sup> February 2017

Signed: Clive Stephenson  
The officer appointed for this purpose  
Licensing Officer

Please address any communications to: Licensing Service, Sheffield City Council, Block C Staniforth Road Depot Staniforth Road Sheffield S9 3HD. [licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk)

## Regulation 8

EG

- (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.
- (3) In the case of a hearing under –
  - (a) section 48(3)(a) (cancellation of interim authority notice following police objection), or
  - (b) section 105(2)(a) (counter notice following police objection to temporary event notice),

the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.

- (4) In the case of a hearing under –
  - (a) section 167(5)(a) (review of premises licence following closure order),
  - (b) paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence), paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
  - (c) paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence),

the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.

- (5) In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.



## Licensing Act 2003 – Hearing Procedure – Regulation 7 (1)

E7

**This procedure has been drawn up in accordance with the Licensing Act 2003 to assist those parties attending Licensing Committee hearings.**

1. The hearing before the Council is Quasi Judicial.
  2. The Chair of the Licensing Committee will introduce the Committee and ask officers to introduce themselves.
  3. The Chair will ask the applicants to formally introduce themselves.
  4. The Solicitor to the Committee will outline the procedure to be followed at the hearing.
  5. Hearing Procedure:-
    - (a) The Licensing Officer will introduce the report.
    - (b) Questions concerning the report can be asked both by Members and the applicant.
    - (c) The Licensing Officer will introduce in turn representatives for the Responsible Authority and Interested Parties who will be asked to detail their relevant representations.
    - (d) Members may ask questions of those parties
    - (e) With the leave of the Chair the applicant or his representative may cross examine the representatives of the Responsible Authorities and Interested Parties.
    - (f) The applicant/licensee (or his/her nominated representative) will then be asked to:-
      - (i) detail the application;
      - (ii) provide clarification on the application and respond to the representations made.
    - (g) The applicant/licensee (or his/her nominated representative) may then be asked questions by members and with the leave of the Chair from the other parties present.
    - (h) The applicant will then be given the opportunity to sum up the application.
    - (i) The Licensing Officer will then detail the options.
    - (j) There will then be a private session for members to take legal advice and consider the application.
  6. The decision of the Licensing Committee will be given in accordance with the requirements of the Licensing Act 2003 and regulations made there under.
- NB:
- 1) At any time in the Licensing Process Members of the Committee may request legal advice from the Solicitor to the Committee. This advice may be given in open session or in private.
  - 2) The Committee Hearing will be held in public unless and in accordance with the Regulations the Committee determine that the public should be excluded.

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