

MEETING:	Statutory Licensing Regulatory Board
DATE:	Tuesday, 14 November 2017
TIME:	2.00 pm
VENUE:	Meeting Room 14, Barnsley Town Hall

AGENDA

1 Declaration of Interests

To receive any declaration of pecuniary or non-pecuniary interest from Members in respect of items on this agenda.

2 Minutes (*Pages 3 - 4*)

To accept as a correct record the minutes of the meeting held on the 6th September, 2017.

3 Enforcement Update (*Pages 5 - 8*)

The Service Director Culture, Housing and Regulation will submit a report providing an overview of the work of Licensing Enforcement Officers undertaken recently in relation to the Licensing Act 2003.

To: Chair and Members of Statutory Licensing Regulatory Board:-

Councillors C. Wraith MBE (Chair), J. Carr, Clarke, Dures, Frost, S. Green, Daniel Griffin, W. Johnson, Markham, Saunders, Shepherd, Sixsmith MBE, Spence, Tattersall and Wilson

Andrew Frosdick, Executive Director Core Services
Sajeda Khalifa, Solicitor
Phillip Spurr, Service Director Culture, Housing and Regulation
Kate Liddall, Senior Licensing Officer
Simon Frow, Head of Regulatory Services

Please contact William Ward on 01226 773451 or email governance@barnsley.gov.uk

Monday, 6 November 2017

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MEETING:	Statutory Licensing Regulatory Board
DATE:	Wednesday, 6 September 2017
TIME:	2.30 pm
VENUE:	Reception Room, Barnsley Town Hall

MINUTES

Present

Councillors C. Wraith MBE (Chair), Clarke, Dures, S. Green, Daniel Griffin, W. Johnson, Saunders, Shepherd, Spence, Tattersall and Wilson

1 Declaration of Interests

There were no declarations of pecuniary and non-pecuniary interests from Members in respect of the item on this agenda.

2 Minutes

The minutes of the meeting held on the 26th October, 2016 were taken as read and signed by the Chair as a correct record.

3 Exclusion of the Public and Press

RESOLVED that the public and press be excluded from this meeting during the consideration of the following item because of the likely disclosure of exempt information as defined by Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

4 Premises Licence - Whispers

The Board received an oral report from the Executive Director Core Services on the current position with regard to the Premises Licence in respect of Whispers, Regent Street, Barnsley.

Members were reminded that on the 15th March, 2017 a second review of the Premises Licence had been undertaken by a Sub Committee of this Board at which the Premises Licence had been revoked. An appeal had subsequently been lodged within the Magistrates Court and a pre hearing had been held in April 2017 with a final appeal date scheduled for September, 2017.

Following an approach from the License holder's legal representative, discussions took place over a number of months regarding a potential settlement of the appeal and following discussions with Responsible Authorities and Elected Members who sat on the Sub Committee meeting together with the Chair of the Board on the 14th August, 2017, the appeal had been settled and the terms of the proposed Consent Order were reported. The settlement agreed was that the existing owner/licence holder would be removed from all operational control and the premises transferred to a lessee; there would be an investment of funds into the property; and a

rebranding/relaunch of the business. The Consent Order had been approved on the 17th August, 2017 and the appeal hearing vacated.

On the 29th August, 2017 the Council's Licensing Team had received information which, although unverified at the moment, suggested that the arrangements proposed via the Consent Order would not be able to go ahead and the reasons for this were outlined. In the light of this information it was likely that the Licensing Authority would have to use its power under the provisions of the Licensing Act 2003 to seek a review hearing before a Sub Committee of this Board.

It was particularly disappointing that the agreed arrangements for the refurbishment and rebranding of the premises would not now go ahead but the reasons for this were noted.

RESOLVED that the report be noted.

Chair

Item 3

**Report of the Service Director Culture,
Housing and Regulation to the
Statutory Licensing Regulatory Board
to be held on the 14 November 2017**

ENFORCEMENT UPDATE

1. Purpose of Report

The purpose of this report, is to provide Members with an overview of the work Licensing Enforcement Officers have undertaken to date.

2. Background

Members are minded to note, that Licensing Enforcement Officers have continued to proactively embark on a number of licensing enforcement operations. A summary of enforcement operations undertaken are detailed below.

3. Current Position

Whispers

An application to transfer the premises licence for Whispers has been received by the Licensing Section.

Following the application an objection has now been received by South Yorkshire Police.

The application will now progress to a hearing before the Statutory Licensing Board for determination.

4. ARGUS Training

In light of recent tragic events through the country Licensing Officers sourced counter terrorism training for all licensed premises in the town centre.

34 town centre licensees all successfully completed the ARGUS training at Barnsley Town Hall. The training was delivered by Counter Terrorism Security Advisers who used multimedia simulation and posed questions and dilemmas to participants to raise the awareness of the threat of terrorism and provided practical advice on preventing, handling and recovering from an attack.

5. Reduce The Strength Initiative

Officers are currently working with licensed premises in the town centre to reduce the availability of high strength cans of beer, lager and cider.

This initiative was started with a view to forming a voluntary agreement with town centre off licences not to sell cans of high strength beer, lager and cider.

Several visits have been made to off licences and officers have spoken to shop owners and managers to encourage their participation in the initiative.

On the 11th October Officers carried out a can marking operation.

90 discarded cans were recovered from Peel Parade, Pinfold Steps and Sparrow Park. Manufacturers Codes were taken from the cans and compared with codes on cans being sold in four main town centre off licenses. A number of cans matched the ones being currently sold indicating they were from the same batch.

On the 13th November a full litter pick of the same areas will be carried out and the process of identifying the main sources will again be applied.

From this Officers will speak to licensees and continue to work with them to prevent the sale of high strength beer, lager and cider in a view to reducing litter and anti-social behaviour in the town centre.

If premises can be identified as failing to work with Officers and continuing to sell high strength single cans of beer, lager and cider and thus contributing to the litter and anti-social behaviour occurring in the town centre then Officers may consider applying for a review of their premises licence.

One off licence within the town centre has already voluntarily agreed to have his premises licence conditioned to state that he will not sell beer over 6.5% strength in single cans or bottles.

6. Best Bar None

Best Bar None is an Accreditation Scheme with National Awards supported by the Home Office and the drinks industry which is aimed primarily at promoting responsible management and operation of alcohol licensed premises.

The scheme is being launched in Barnsley on the 14th November and will conclude in June 2018 with an award ceremony for all involved.

Officers have been trained and passed exams to become qualified assessors under the Best Bar None Scheme.

The scheme was piloted in Manchester in 2003 and found to improve standards in the Evening and Night Time Economy, with premises now competing to participate. It has since been adopted by 75 towns and cities across the UK and is now being taken up internationally.

The purpose of the Best Bar None Scheme is to:

- To reduce alcohol related crime and disorder
- To build a positive relationship between licensed trade, police and local authorities and the private sector
- To improve knowledge and skills of enforcement and regulation agencies, licensees and bar staff to help them responsibly manage licensed premises
- Process of becoming recognized by BBN includes meeting minimum standards and culminates with a high profile award night with category winners and an overall winner
- Responsible owners are recognized and able to share good practice with others
- Highlight how operating more responsibly can improve the profitability of an individual business and attractiveness of a general area

Being part of the Best Bar None Scheme

- Promotes the town or city as a safe and vibrant place to go at night.

- It shows a willingness to address alcohol related crime and anti-social behavior through the promotion of good practice and education.
- It is acknowledged by the Home Office as having a positive effect on the night time economy.
- It promotes a partnership approach to resolving issues.

7. Immigration checks in licensed premises

On the 12th October Licensing Officers accompanied by Immigration Enforcement Officers inspected 3 licensed premises in the town centre to ensure compliance under the Licensing Act 2003. Three premises were visited on the night. The three premises were found to be compliant under the Licensing 2003, however one individual was arrested by Immigration Officers.

8. Proposal

Proactive enforcement operations like these will continue to take place on a regular basis and Officers are in the process of arranging further enforcement operations with various agencies including South Yorkshire Police and The Immigration Service. Whilst offences are always unacceptable we will combat ill failings and convey the message that all individuals licensed under the Licensing Act 2003 must begin to accept responsibility for their failures and make a change.

Failure to do so, will only continue to put the safety of the public at risk when frequenting licensed premises and their surrounding areas.

9. Background Papers

Enforcement Officer Reports which contain exempt information are not available for public inspection

10. Officer Contact

Deborah Bailey
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