

# Public Document Pack

<b>MEETING:</b>	Statutory Licensing Regulatory Board
<b>DATE:</b>	Wednesday, 21 February 2018
<b>TIME:</b>	2.30 pm
<b>VENUE:</b>	Reception Room, 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 - 6*)

To accept as a correct record the minutes of the meeting held on the 20<sup>th</sup> December, 2017.

3 Enforcement Update (*Pages 7 - 10*)

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, Frost, S. Green, Daniel Griffin, W. Johnson, Markham, Saunders, Shepherd, Sixsmith MBE, Spence, Sumner, 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 email [governance@barnsley.gov.uk](mailto:governance@barnsley.gov.uk)

Tuesday, 13 February 2018

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<b>MEETING:</b>	Statutory Licensing Regulatory Board
<b>DATE:</b>	Wednesday, 20 December 2017
<b>TIME:</b>	3.00 pm
<b>VENUE:</b>	Reception Room, Barnsley Town Hall

## MINUTES

### Present

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

### 1 Declaration of Interests

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

### 2 Minutes

The minutes of the meeting held on the 14<sup>th</sup> November, 2017 were taken as read and sung by the Chair as a correct record.

### 3 Enforcement Update

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

#### (a) Whispers

The meeting of the Statutory Licensing Regulatory Board Sub Committee arranged for 21<sup>st</sup> November, 2017 to hear the objection of the South Yorkshire Police to the application for a transfer of the licence for Whispers had been cancelled following the withdrawal of the objection. It was noted that agreement had been reached between the Police and the proposed premises licence holder to ensure compliance with the licensing objectives.

#### (b) Reduce the Strength Initiative

Work was continuing with licenced premises within the Town Centre to reduce the availability of high strength cans of beer, lager and cider.

On the 15<sup>th</sup> November, 2017 19 cans had been recovered from Sparrow Park, Peel Parade and Pinfold Steps, 6 of which had been traced back to three off licences believed to be owned by the same person. This number was less than was expected and it was hoped this was evidence of an improving situation.

Officers were continuing to work with the South Yorkshire Police to progress the initiative by targeting street drinkers to gain further evidence as to where purchases were made. In addition, officers were continuing to work with licensees to prevent the sale of single cans of high strength alcohol in the hope of reducing litter and anti-social behaviour in the town centre

It was pleasing to note that one premise within the town centre had voluntarily agreed to his premises licence being conditioned that he would not sell beer over 6.5% strength in single cans and bottles.

A further operation had been undertaken in the week commencing 11<sup>th</sup> December, 2017 and 90% of cans/bottles found had been traced back to the premises which, whilst an increase on the number found compared to the previous exercise, gave evidence upon which to take action against certain premises.

(c) Immigration checks in licensed premises

An exercise had been undertaken on the 29<sup>th</sup> November, 2017 involving Licensing Officers and the Immigration Enforcement Officers following the receipt of an intelligence report. No evidence of any offence had been found.

(d) Test Purchase Operations

Following the receipt of information Licensing Officers and representatives of the South Yorkshire Police were to arrange for test purchase operations on certain premises across the borough. Any premises failing the operation would be given advice, assistance and guidance to ensure compliance in the future.

(e) Best Bar None Accreditation Scheme

The launch of the scheme on the 14<sup>th</sup> November, 2017 had been very successful with around 70 attendees and nine town centre premises had signed up to the scheme on the night. Officers would visit those premises which did not attend to encourage greater participation.

It was reported that proactive enforcement action would continue to take place on a regular basis. In addition, further enforcement action was being planned with various agencies including the Police, the Immigration Service as by doing so, and by encouraging all individuals licenced under the Licensing Act 2003 to accept responsibility for failures, that the safety of the public could be maintained.

In the ensuing discussion, the following matters were raised:

- In relation to Whispers
  - The outcome to this issue was the best that could be expected. Once the premises were open, they would be monitored closely (in view of the previous issues that had occurred) with periodic reviews to ensure compliance with the requirements of the licence
  - It was noted that the new Premises Licence holder had agreed to all the additional requirements added to the licence which were required to ensure safeguarding the premises and the public
- In relation to Immigration checks
  - It was noted that in addition to acting upon information received, routine inspections were also undertaken
  - It was felt that publicity about operations undertaken should have a positive effect in reducing the presence of illegal workers

- In relation to Test Purchases
  - Information was provided on the methodology for undertaking test purchases
  - Arising out of the above, reference was made to the way in which evidence collected from CCTV was utilised
  - It was noted that very few premises failed in the Test Purchase operations.
  - In premises which failed the test, many of the issues identified related to a lack of confidence of staff to challenge and a lack of training. The premises concerned would still be fined but the Service would try to work with the proprietor to ensure that there was no repeat offences
  - In relation to the sale of tobacco, this was not covered under the Licensing Act legislation, however, if the Authority became aware of underage sales, the Smoking Enforcement Officer could pursue such issues under Trading Standards Legislation
- In relation to Best Bar None
  - Licensing Enforcement Officers had visited all premises within the last two weeks and 80% had indicated a willingness to join the scheme and it was hoped that more businesses would be 'signed up' by the end of January
  - Reference was made to the operation of the 'Ask for Angela' scheme and to the action that customers could take with bar staff if they felt they were being intimidated in any way
- General issues
  - It was noted that the Service worked extremely hard, but within limited resources, to ensure compliance with the Licensing Act legislation. The initiatives referred to in this report only represented a small selection of the work undertaken. Other work in which the Service was involved included Gambling, Scrap metal and small lotteries related issues.

## **RESOLVED:**

- (i) That the Board place on record their thanks and appreciation to the staff within the Licensing Service for all their hard work in undertaking enforcement activities and ensuring the continued safety of the public and for the outstanding results currently achieved; and
- (ii) That update reports on all enforcement activity be submitted to the Regulatory Board on a regular basis.

At the conclusion of the meeting the Chair, Councillor C Wraith MBE, wished all Members and Officers a Happy Christmas and a healthy and prosperous New Year.

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Chair

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# Item 3

**Report of the Service Director Culture,  
Housing and Regulation to the  
Statutory Licensing Regulatory Board  
to be held on the 21 February 2018**

## **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**

#### **Suspension of premises licence for failing to pay annual fee**

There are currently several licensed premises throughout the borough that have outstanding annual fees in relation to their premises licence.

Taking the above into consideration, Licensing Officers are now in a position to suspend premises licences in order to comply with the Licensing Act 2003.

The suspension can be lifted on receipt of payment of the outstanding fee.

Section 55a of the Licensing Act 2003 states:

***A Licensing Authority must suspend a premises licence if the holder of the licence has failed to pay the authority an annual fee that has become due under section 55(2).***

Premises with outstanding accounts will have received invoices and documentation requesting the fees owed and Licensing Officers will work with all licensed premises to avoid a suspension of the licence, however members should be mindful that the Licensing Act 2003 states we must suspend in circumstances where outstanding fees are due.

#### 4. Training for SIA Doormen

Working with colleagues in Public Health, Licensing Officers are offering training for all SIA doormen, especially those working in our town centre license premises. The training will promote an awareness of equality and diversity, and help doormen to identify, understand and provide support to people with mental health issues, it will aim to improve their understanding of the effects of alcohol and substance misuse, and offer them the opportunity to become qualified first aiders.

#### 5. Charity Boxing Events

Great Yarmouth Borough Council are currently investigating an incident regarding a fatality to a young boxer who died after taking part in his first unlicensed boxing event at a nightclub in the area.

Following on from this Licensing Officers have met with Health and Safety Officers to raise awareness in respect of the risks associated with unlicensed boxing and the measures Officers can take to ensure organisers of such events are carrying out the event safely.

All applications for premises licences that include the provision for boxing or wrestling will be required to provide a suitable and sufficient health and safety risk assessment to the Licensing Authority and Environmental Services a minimum of 21 days prior to the event taking place.

#### 6. Immigration checks in licensed premises

On the 2<sup>nd</sup> February 2018 Licensing Officers accompanied by Immigration Enforcement Officers inspected a licensed premise in the town centre. Immigration Officers were in receipt of intelligence which suggested illegal immigrants may have been working and living on the premises.



Licensing Officers also had to ensure the premises were operating in compliance with the Licensing Act 2003.

The premises were found to be compliant under the Licensing 2003, and all individuals on the premises had the correct permissions to live and work in the UK.

**7. 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.

**8. Background Papers**

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

**10. Officer Contact**

Deborah Bailey  
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