

MEETING:	Statutory Licensing Regulatory Board
DATE:	Wednesday, 24 April 2019
TIME:	2.30 pm
VENUE:	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 20th February, 2019.

3 Enforcement Update (*Pages 7 - 8*)

The Service Director Legal Services will submit a report providing an overview of the work Licensing Enforcement Officers have undertaken to date.

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

Councillors C. Wraith MBE (Chair), P. Birkinshaw, Burgess, Clarke, Daniel Griffin, W. Johnson, Lamb, Lofts, Newing, Saunders, Shepherd, Sumner, Tattersall, Williams and Wilson

Andrew Frosdick, Executive Director Core Services
Sajeda Khalifa, Solicitor
Kate Liddall, Senior Licensing Officer
Debbie Bailey, Regulatory Services Field Officer

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

Friday, 12 April 2019

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MEETING:	Statutory Licensing Regulatory Board
DATE:	Wednesday, 20 February 2019
TIME:	3.00 pm
VENUE:	Reception Room, Barnsley Town Hall

MINUTES

Present

Councillors C. Wraith MBE (Chair), Daniel Griffin, W. Johnson, Lamb, Lofts, Newing, Saunders, Shepherd, Sumner, Tattersall, Williams and Wilson

9 Declaration of Interests

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

10 Minutes

The minutes of the meeting held on the 25th April, 2018 were taken as read and signed by the Chair as a correct record.

11 Enforcement Update

The Service Director Legal Services providing an overview of the work of Licensing Enforcement Officers undertaken recently in relation to the Licensing Act 2003.

(a) Immigration checks in Licensing Premises

In December 2018 Licensing Officers accompanied by Immigration Enforcement Officers had inspected two premises where intelligence had suggested that illegal immigrants may have been working and living on the premises and also to ensure that there was appropriate compliance with the Licensing Act 2003.

One of the premises had been fully compliant but three individuals had been arrested for working at the other and who were believed to be illegal immigrants.

It was likely that following the receipt of additional information from the Home Office that the premises involved may be subject to a licence review hearing.

(b) Illicit Tobacco

Licensing Officers together with Trading Standards Officers had visited a Town Centres licensed premises and had found a small amount of illegal cigarettes. This matter had been brought to the attention of the premises licence holder who had dismissed the member of staff concerned.

(c) Best Bar None

It was pleasing to note that Barnsley had been awarded for 'Best New Scheme' in this years prestigious 'National Best Bar None Awards' that had taken place at a special parliamentary reception at the House of Lords.

The Barnsley Scheme had been launched in 2017 following a significant investment by the Council to redevelop the area and create a modern and vibrant town centre for residents and visitors.

Judges had felt that the Barnsley focus on public health was commendable and initiatives in this vein had included awarding bonus points to licensed premises for offering five low sugar non-alcoholic options as well as signposting local drug and alcohol support services. Barnsley had also introduced a People's Choice award to give customers the chance to engage with the scheme and vote for their favourite pub .

The National Co-ordinator had said 'Barnsley Council is clearly focused on regenerating the area to create a modern and vibrant town centre and Best Bar Non plays a crucial part in that strategy. Very few schemes are led by the public health agenda and the measures that Barnsley has put in place to adopt a sensible drinking culture and to ensure that pubs, bars and clubs understand their role in that is admirable. We look forward to seeing the scheme go from strength to strength'.

(d) Pubwatch

Information was provided on the aims, objectives and operation of this scheme which promoted partnership working to tackle the offenders whose actions could cause real damage to the night time economy.

The Town Centre currently had about seventy individuals on its barring list which demonstrated that licensees were proactively tackling the problem behaviour and individuals and working to make the night time economy a better and safer environment for all involved.

In the ensuing discussion, the following matters were raised:

- With regard to the Best Bar None Scheme
 - It was disappointing that neither Licensing Officers nor the Chair of the Committee had been informed of the Best Bar None Awards that had taken place at the House of Lords given the amount of time, effort and work put into this scheme by the service. The Licensing Officer stated that these views would be made known so that this could be prevented in future
 - Members were reminded that all the training for the 2018 scheme had been undertaken in the Reception Room in the Town Hall
 - It was noted that arrangements were being made for the Best Bar None Scheme 2019. Further details of the launch would be made available shortly. With regard to the current
- There was a discussion of the terminology used in relation to immigrants which it was felt should be further clarified to determine whether or not they were illegal entrants to the UK or if they were immigrants working illegally.
- In relation to training in general, it was noted that a training course with an external provider was to be held on the 14th March, 2019. It was suggested

that investigations be made as to whether or not the training could be video recorded so that those unable to attend on the 14th could have access to at a later date. Thereafter, training would be provided 'in house' and further such training would be provided in May 2019 following the Municipal Elections and the allocation of places to Regulatory Boards at the Annual Council meeting.

- Arising out of the above, reference was made to whether or not 'immigrants' were working out of their own volition or whether this could be classed as 'modern slavery'. In this respect Members attention was drawn to training which was to be made available as part of the Safeguarding Awareness Week to be held in June, 2019
- There was a discussion of the illegal tobacco operation and to the fact that a recent BBC radio broadcast had indicated that some shops may be the 'front' for larger scale operations or organised crime. It was further reported that a large scale operation had taken place at a warehouse in Shafton
- The Board noted the success of the Pubwatch scheme and for the continued proactive enforcement that was undertaken throughout the year. Further details of the operation of the scheme would be made available within the next update report

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 achieved; and
- (ii) that update reports on all enforcement activity continue to be submitted to the Regulatory Board on a regular basis.

Chair

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Item 3

**Report of the Service Director Legal Services
to the Statutory Licensing Regulatory Board
to be held on the 24 April 2019**

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

Premises Licence Inspections

Since January 2019 Officers have inspected 30 licensed premise throughout the borough to ensure compliance with Licensing Act 2003, their premises license and any conditions attached to the said licence.

During our inspections 4 premises were found to have insufficient documentation with particular reference to refusals logs and designated premises licence holder authorisations. Officers have continued to work with the offending premises to ensure their understanding of the legislation and its requirements and also to ensure compliance going forward.

Scrap Metal

Officers have received recent information relating to 2 unlicensed scrap metal collectors operating within the Barnsley Borough. We are currently making contact with the offenders to assist them to carry out their activities legitimately and obtain the relevant licences.

In addition Licensing Officers are currently working with the Safer Neighbourhoods Team and South Yorkshire Police to set up future joint enforcement operations to target scrap metal sites and collectors to ensure compliance with the relevant legislation.

4. Proposal

Proactive enforcement operations will continue to take place on a regular basis. Whilst offences are always unacceptable we will combat ill failings and convey the message that all individuals licensed under the Licensing Act 2003 and the Scrap Metal Dealers Act 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.

5. Background Papers

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

6. Officer Contact

Deborah Bailey

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