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MEETING:	Statutory Licensing Regulatory Board
DATE:	Wednesday, 28 October 2020
TIME:	2.30 pm (or at the conclusion of the General Licensing Regulatory Board scheduled for 2.00 pm whichever is the later)
VENUE:	THIS MEETING WILL BE HELD VIRTUALLY

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 9th September, 2020.

3 Enforcement Update (*Pages 5 - 8*)

The Service Director Legal Services will submit a report providing an overview of the work Licensing Officers are currently undertaking to advise and support licensed premises during the Covid pandemic.

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

Councillors Wraith MBE (Chair), P. Birkinshaw, A. Cave, Clarke, Cherryholme, Franklin, Green, Daniel Griffin, Kitching, Saunders, Shepherd, Sumner, Tattersall, Williams and Wilson

*** Membership subject to appointment at Annual Council on the 22nd October, 2020**

Shokat Lal, Executive Director Core Services
Sajeda Khalifa, Solicitor
Jamie Impey, Legal Services
Debbie Bailey, Regulatory Services Field Officer

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

Tuesday, 20 October 2020

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MEETING:	Statutory Licensing Regulatory Board
DATE:	Wednesday, 9 September 2020
TIME:	2.30 pm
VENUE:	THIS MEETING WILL BE HELD VIRTUALLY

MINUTES

Present

Councillors Wraith MBE (Chair), P. Birkinshaw, Cherryholme, Green, W. Johnson, Saunders, Tattersall and Williams

15 Declaration of Interests

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

16 Minutes

The minutes of the meeting held on the 19th February and 3rd June 2020 were taken as a correct record.

17 Enforcement Update

The Service Director Legal Services submitted a report providing members with an overview of the work Licensing Officers are currently undertaking to advise and support licenced premises during the COVID pandemic.

Members were informed that Officers had been jointly working with other local authorities and other responsible authorities such as Public Health to provide support and guidance to licensees to ensure that they were following government guidelines and that sufficient measures had been put in place in order for premises to reopen safely from the 4th July. Officers will continue to carry out visits to premises and hold regular meetings with licensees to follow up on any complaints or concerns raised in relation to COVID regulations.

Members noted that some premises had remained closed both as it would not be cost effective to open with the reduced numbers and some simply had not got the space and could not comply with the regulations. However it was noted that more and more establishments had been gradually opening up and were able to comply with guidance and keep everyone safe. Follow up visits would be taking place with the support of Public Health to ensure standards were being maintained and complied with and officers would continue to provide guidance and support to assist the premises to ensure the health and safety of all concerned.

In the ensuing discussion, the following matters were raised:

- There had been no COVID non-compliant closures of premises, any premises that had done so voluntarily. However after an inspection if Officers had severe concerns then the venue would be encouraged to close to become compliant and re-open once those requirements could be met safely
- Officers were working closely with Public Health for future visits, giving them information and advice as to what to expect to ensure a consistent approach. Regular weekly meetings were being held in order to touch base and answer any queries that may have arisen
- The Test and Trace recording methods were reported as being different in different venues, but that there was no right or wrong way for premises to record visitors as the COVID requirements were not enforceable. However if there were reports of a venue not recording visitors then these should be reported to Licensing Officers in order for them to target resources in that area.
- Reports or concerns can be reported to either Regulatory Services or the Licensing Team as regular meetings are held to share information
- Regular meetings are held with Public Health and South Yorkshire Police to ensure premises remain compliant with the regulations and that everyone has the same objectives in offering support and guidance to ensure premises can remain open.

RESOLVED:

- (i) that the report be noted and the Board place on record it's thanks and appreciation to all involved in continually working to ensure COVID Regulations are adhered to and keeping everyone safe; and
- (ii) that update reports on all enforcement activity and on work of the Service continue to be submitted to the Regulatory Board on a regular basis.

Chair

Item 3

**Report of the Service Director
Legal Services to the
Statutory Licensing Regulatory Board
to be held on the 28 October 2020**

ENFORCEMENT UPDATE

1. Purpose of Report

The purpose of this report, is to provide Members with an overview of the work Licensing Officers are currently undertaking to advise and support licensed premises during the COVID pandemic.

2. Background

Members are minded to note, that Licensing Officers are continuing to proactively work with licensed premises and other responsible authorities to ensure that sufficient COVID requirements are being applied.

Officers are supporting venues by carrying out visits to premises and meeting with licensees to ensure they understand the Government guidance and their legal obligations in the current COVID-19 pandemic. The Officers objective is to ensure that all our licensed premises are COVID secure and that sufficient measures are in place to maintain the safety of all involved with the premises.

3. Current Position

Licensing Officers have continued to meet with other responsible authorities to assist in providing support and guidance to licensees and target our resources accordingly to help premises comply with the legislation and work safely during the COVID-19 pandemic.

Colleagues from Licensing, Public Health, Regulatory Services and South Yorkshire Police have been working together to provide advice and support to

licenced premises during the pandemic, both prior to and since pubs and clubs have been allowed to re-open.

This work has been on-going and we are constantly advising premises when there are developments and changes in the requirements and the legislation and we strongly advise that premises address all issues and concerns in their own risk assessments.

We are currently engaging in proactive and reactive premises visits, assisted by our colleagues in Regulatory Services, Public Health and South Yorkshire Police. These visits provide support and guidance and offer free resources (signage, beer mats and floor splats) in addition to a guidance document. These visits are very much supportive visits, to help the premises implement measures to be 'covid secure'.

Any concerns or questions noted by Officers at the proactive visits and are collated for further investigation. The nature of the concern or questions are assessed and are allocated to Licensing or Regulatory Services to investigate further. Regular meetings are taking place between Public Health, Licensing, Regulatory Services and the Police, to manage this project, feedback on how things are going and if necessary make alterations to the approach to improve the delivery.

Enforcement powers now lie with Licensing, Regulatory Services and the Police. In line with our enforcement policy we always carry out enforcement in a fair and proportionate way. In the current circumstances our priority is to prevent the spread of the virus and to keep all involved safe. We are committed to supporting licensed premises at this difficult time and in most circumstances would always begin with advice, guidance and support and assist them to comply with legislation and guidance at the premises. Where Officers have evidence to suggest there is continued non-compliance with legislation, further action will be taken. Officers are holding regular meetings and discussions about premises and issues that have been raised to

determine which team should take the lead on the investigation and what legislation it would be most appropriate to use.

To date we have had two clusters of cases which occurred during the same period, that were initially identified with a common link of a licenced premises. Following the usual procedure, an investigation management team (IMT) was convened. The purpose of the IMT is to investigate what has happened, and prevent further spread. The IMT for these settings is chaired by Regulatory Services and includes (but not limited to) Licensing officers, Public Health, and Public Health England (PHE), including a Consultant in Communicable Disease Control (CCDC). The investigation revealed that transmission had occurred due to other social activities and in the community, rather than it being due to lack of COVID measures in the premises. Licensing Officers were satisfied that this was a well-run venue, with a responsible licensee. The premises had closed temporarily, and worked with the IMT during the investigation.

New Legislation

Following the Prime Ministers latest announcement licensed premises must be closed between 10pm and 5am. In addition, food and drink must be ordered from, and provided by table service and it is now against the law to meet socially with friends and family indoors in any setting unless you live in the same household or have formed a support bubble with them. Staff in public facing roles must wear face coverings and make sure customers wear face coverings when they move around a venue away from their table.

In addition licensed premises must now display an official NHS QR code poster by law. This is to ensure that customers can check in using the new NHS Covid-19 app. Premises must refuse entry to any customers who refuse to provide their contact details for the purpose of track and trace. Licensing and Regulatory Services officers as well as the police can issue fixed penalty notices for non-compliance.

4. **Proposal**

Given the new legislative requirements to close at 10:00pm and provide table service only it is unfortunate that some premises have chosen to close until the COVID requirements can be relaxed.

For the venues who can comply and comply with the legislative requirements in their premises, Officers will continue to provide guidance and support to assist and to ensure the health and safety of all concerned, Officers will also take enforcement action against those who repeatedly fail in their responsibilities and do not run a COVID secure premises.

Members are asked to support Officers and encourage licensed premises to keep their venues as safe as possible for both staff and customers at all times.

5. **Background Papers**

None available.

6. **Officer Contact**

Deborah Bailey
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