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MEETING:	Statutory Licensing Regulatory Board
DATE:	Wednesday, 8 September 2021
TIME:	2.30 pm
VENUE:	Council Chamber, 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 28th October, 2020.

3 Member Training (*Pages 5 - 10*)

The Service Director Legal Services will submit a report providing an overview of the training that will be provided on the 8th and 11th October, 2021.

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

Councillors Green (Chair), Bowser, Cherryholme, Clarke, Danforth, K. Dyson, Greenhough, Hunt, Markham, Newing, Osborne, Shepherd, Tattersall, Wilson and Wraith MBE

Shokat Lal, Executive Director Core Services
Sajeda Khalifa, Solicitor
Jamie Impey, Legal Services
Debbie Bailey, Licensing

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

Tuesday, 31 August 2021

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MEETING:	Statutory Licensing Regulatory Board
DATE:	Wednesday, 28 October 2020
TIME:	2.30 pm
VENUE:	THIS MEETING WILL BE HELD VIRTUALLY

MINUTES

Present

Councillors Wraith MBE (Chair), Clarke, Cherryholme, Franklin, Green, Kitching, Saunders, Tattersall and Wilson

1 Declaration of Interests

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

2 Minutes

The minutes of the meeting held on 9th September, 2020 were taken as a correct record.

3 Enforcement Update

The Service Director Legal Services submitted a report giving an overview of the work Licensing Officers have been undertaking to advise and support Licensed premises during the Covid Pandemic.

Members were informed that at the time of writing the report, all the details were accurate but that things were moving so rapidly the report was out of date with regards to legislation after Barnsley entered Tier 3 at one-minute past midnight on Friday 23rd October, 2020. The Licensing Officer informed members that in relation to Licensing holding regular meetings and working closely with partners, premises receiving visits supported by Public Health and Licensing and Regulatory Services following up with premises on reports on non compliance that this had not changed and was still being carried out.

Members noted that due to Tier 3 restrictions only restaurants and premises serving a substantial meal were able to remain open resulting in many premises having to close. Members were informed that Officers from Licensing and Regulatory Services were working with a number of premises who had evolved in order to comply with the new regulations and were serving food in order to remain open. The Licensing Officer updated members on what a substantial meal consisted of and it was deemed that this was something you would have for lunch or an evening meal and that the purpose of someone going out had to be for a meal rather than for drinks.

It was reported that premises would continue to be visited In order to ensure they are operating under the Tier 3 requirements and remained to be covid safe and secure which was at the forefront of everyone's minds. Members were informed that there

were in the region of 400 premises to contact and support and that these were difficult times for all involved.

In the ensuing discussion, the following matters were highlighted:

- There had been 2 clusters identified in licensed premises, it was reported that these were investigated and the premises were not deemed to be at fault but that they were caused by the external groups visiting
- Members raised the issue of some premises closing the whole venue, whereas some venues isolate some staff but remain open and questioned why these were different. The Licensing Officer reported that all cases receive individual advice as they are all different an example was given in that staff affected may live on the premises thus resulting in the venue closing, whereas other cases may have been someone visiting the venue with no prolonged contact resulting in certain staff being isolated but this showed that there were many variables
- Members questioned whether there was a maximum number of drinks that people could order with the meal, they were informed that there was not but that the number of drinks ordered would have to be proportionate to the meal and expected time spent in the restaurant. Various examples were then provided of what might be considered 'reasonable'. Members were reminded that the restriction had been brought in in order to reduce the consumption of alcohol being drunk resulting in covid regulations being forgotten.
- Members were informed that the QR codes in all premises for the Track and Trace App were free and did not cost the premises anything
- Concerns were raised with regards to premises having to close and the ones that were able to remain open in that if people did not support restaurants, when the pandemic is over there would be nowhere left open

RESOLVED:

- (i) that the report be noted and that Board place on record its 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 Assistant Director to the
Statutory Licensing Regulatory Board
to be held on the 8 September 2021**

MEMBER TRAINING

1. Purpose of Report

The purpose of this report, is to provide Members with an overview of the training that will be delivered on the 8th and 11th October 2021.

2. Background

Members are minded to note, that it is best practise for all those so involved to undergo training in the legal framework and the rules on decision-making.

3. Current Position

Members will be aware that two training days are planned for the 8th and the 11th October 2021.

The first session on 8th October will introduce any new members to the world of licensing as well as providing a refresher session for long standing Members of the board. It cover the following:-

INTRODUCTION

Relevance of Council Policy

The legal framework : statutory and common law

TAXI AND PRIVATE HIRE LICENSING

Key principles of the licensing regime

Why we need regulation

The role of the local authority

The different licences needed and the licensing processes

Parameters for imposing conditions on licences

Enforcement overview

Suspending and revoking licences

Equality Act 2010 implications

Importance of Guidance

LICENSING ACT 2003

Background to Act

Key aims and principles

Licensing objectives

Licensable activities

Relevance of Council Policy

Adherence to Statutory Guidance

Types of premises affected

Licences and permissions

The Operating Schedule as part of the application process

Conditions of licence - mandatory

Conditions of licence - mediated

Conditions of licence - voluntary

Conditions of licence - imposed at a hearing

Introduction to the review process

NB Relevant case law examples and scenarios will be included

Members will also be aware that the Department for Transport produced new guidance in July 2020 setting out their 'Statutory Standards' for taxi and private hire licensing, and as such we have recently concluded our consultation on the proposed policy. The statutory standards will form a major part of the second session as it has implications for all those involved in the decision making process.

The second session on the 11th October will cover the law and rules in relation to decision making as follows:-

INTRODUCTION

The legislative framework

Principles of decision making

Delegations and Constitution

The importance of training for those involved in making decisions

LICENSING COMMITTEES AND THE ROLE OF MEMBERS

Licensing functions are non-executive

The 'prejudicial interest' concept

Conduct of committees

Human Rights and licensing

Rules of Natural Justice

The right to a 'fair' hearing

Proportionality

Bias and pre-determination

Key principles of decision making and relevant case law

Appeals

Judicial Review

TAXI AND PRIVATE HIRE LICENSING

What is the purpose of the licensing regime

Protecting the public

Child Sexual Exploitation

Taxi/Private Hire drivers and the Rehabilitation of Offenders Act 1974

Principles involved in determining 'fitness' and relevant case law

Importance of criminal convictions policy

Deregulation, sub-contracting and 'out of district' vehicles

Dft Statutory Standards Guidance

Dft Best Practice Guidance

How to achieve 'common standards' among licensing authorities

LICENSING ACT 2003

Importance of Statutory Guidance

Relevance of Council policy

The role of Public Health

Regulations governing Hearings

The importance of the Review process

Case law on reviews

Pavement cafes

Business and Planning Act implications for licensing

NB Relevant case law examples and scenarios will be included

4. **Proposal**

All Members of both General and Statutory Licensing Committee should endeavour to attend both training sessions on the 8th and 11th October as elements covered on day one will not be covered on day two and vice versa. Having read this report should Members wish to request any other specific licensing areas to be covered could they please contact the Senior Licensing Officer by e-mail no later than Friday 24th September 2021.

5. **Background Papers**

None available.

6. **Officer Contact**

Deborah Bailey
07786525961

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