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MEETING:	Statutory Licensing Regulatory Board
DATE:	Wednesday 26 October 2022
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 22 June 2022
- 3 Enforcement Update (*Pages 7 - 8*)
The Service Director Law and Governance will submit a report to provide Members with an overview of the work Licensing Enforcement Officers have undertaken to date.

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

Councillors Green (Chair), Bowser, A. Cave, Cherryholme, Clarke, Danforth, Greenhough, Hunt, Markham, Osborne, Shepherd, Stowe, Webster, Wilson and Wraith MBE

Shokat Lal, Executive Director Core Services
Sukdave Ghuman, Service Director Law and Governance (Monitoring Officer)
Sajeda Khalifa, Solicitor
Debbie Bailey, Senior Licensing Officer

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

Tuesday 18 October 2022

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MEETING:	Statutory Licensing Regulatory Board
DATE:	Wednesday, 22 June 2022
TIME:	2.30 pm
VENUE:	Reception Room, Barnsley Town Hall

MINUTES

Present Councillors Green (Chair), Bowser, Clarke, Danforth, Greenhough, Osborne and Shepherd

1 Declaration of Interests

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

2 Minutes

The minutes of the meeting held on the 20th April, 2022 were taken as read and sung by the Chair as a correct record.

3 Electrical Safety in Hospitality Venues

The Head of Legal Services submitted a report providing an overview of a project currently being undertaken by Health and Safety Environmental Health Officers from Regulatory Services involving checking the electrical safety in hospitality and licenced premises.

It was noted that each year, the Health and Safety Executive identified certain topics and sectors for Local Authority Health and Safety Teams to prioritise. For 2022/23 the area chosen had been identified as electrical safety in hospitality venues and in particular licenced premises (pubs, clubs and restaurants).

Inspections had begun in May and whilst visiting premises the Health and Safety Teams also reviewed any other health and safety matters that may arise as part of the visit. So far, in general, no electrical safety issues had been identified, although a number of other issues had been identified which were being resolved separately with the business operators.

In the ensuing discussion, reference was made to the following:

- Reference was made to issues recently highlighted within the media of crowds gathering outside hospitality venues which prevented pedestrians, people with wheelchairs and pushchairs being able to use pavements and questions were asked as to whether this was an increasing problem with Barnsley. The Senior Officer (Licensing) stated that reports were submitted to the Licensing Service when appropriate. Officers had continued to work through the Covid pandemic which had enabled the existing good relationships with premises owners and licence holders to continue. Visits had also continued to ensure that premises remained fit for purpose. This

had also possibly contributed to the fact that no electrical safety issues had been identified

- There was a discussion of the certification of electrical equipment for outside use and to who or which organisations should be involved. This issue would be referred for consideration by Health and Safety Officers, however, it was noted that such officers had strict guidelines to follow as to what was and was not acceptable. The fact that the majority of venues were part of large chains/breweries probably contributed to the fact that to date no concerns had been identified as such organisations took electrical and other health and safety issues extremely seriously. Health and Safety Officers would not leave anything to chance and if issues arose, they had their own primary legislation by which they could take action or even serve a prohibition notice preventing the premises from operating if issues were deemed to be sufficiently serious
- It was noted that the current round of inspections followed on from a previous gas safety check. The current round covered on sales more than off sales
- Reference was made to the close working relationship between the Licensing Service and Public Health in relation to licenced premises including take aways
- The Senior Officer (Licensing) commented on the number of licensed premises that were to be the subject of inspection (around 350) and to the amount of work and time this would take
- In response to specific questioning, reference was made to the remedies available in the event of issues being identified. If the matter was sufficiently serious Health and Safety Officers would serve a prohibition notice, in other circumstances they could, for example, allow up to 28 days for issues to be put right (this was dependent upon the severity). Issues could be rectified earlier, of course, in which case the prohibition notices could be lifted following a further inspection. Failure to address faults could result in prosecution and referral to Licensing (if appropriate) for licences to be reviewed, although this had never happened in the past
- Reference was made to the use of Temporary Events Notices (TEN's) and to the arrangements in place to ensure that 'mobile' premises were fit for purpose and complied with all regulations.
- Arising out of the above, the Senior Officer (Licensing) made reference to the licensing arrangement (including the use of TEN's) in place for various large venues/areas and particular reference was made to Barnsley Town Centre, Elsecar Heritage Centre and the Penistone Show Ground. Mobile hospitality providers may either be able to use the licence for the venue/area currently in place or may be required to obtain their own individual licence/TEN. The potential reasons for this were outlined. Health and Safety would, however, always remain paramount and the appropriate safety requirements would have to be complied with

RESOLVED that the report be received, and that the Statutory Licensing Regulatory Board continue to support Officers in encouraging all licensed premises to ensure that any electrical equipment, including that outdoors, is specifically designed for its intended use.

Chair

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Item 3

**Report of the Service Director to the
Statutory Licensing Regulatory Board
to be held on the 26 October 2022**

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 since the last enforcement update, Licensing Officers have proactively undertaken regular enforcement work including a joint enforcement operation visiting town centre licensed premises and inspecting door supervisors working in the night time economy, a Police led operation focused on scrap metal collectors operating within the borough and a HM Revenue and Customs led operation focused on premises predominantly licensed for Late Night Refreshment within the borough. A summary of the enforcement operations undertaken are detailed below.

3. Current Position

On the 21 September 2022 Licensing Enforcement Officers took part in Operation Voyager, a Police led operation accompanied by the DVSA and other local authority departments. Checks were carried out on vehicles carrying scrap metal to ensure they were correctly licensed under the Scrap Metal Dealers Act 2013.

As part of the operation 4 vehicles were stopped and examined, 1 vehicle was correctly licensed and compliant as a scrap metal collector, 1 was identified as requiring a collectors licence and 2 have resulted in further ongoing investigations as to whether a Scrap Metal Collectors licence is required for the purpose of the scrap they were carrying.

On the 23 September 2022 Licensing Officers alongside South Yorkshire Police Licensing Officers, South Yorkshire Police Officers and the Investigations Officer for the Security Industry Authority, took part in a night time operation focusing their attention on the town centre licensed premises and the Door Supervisors that work in our licensed venues.

In total 16 licensed venues were visited on the night and 35 Door Supervisors were inspected.

All Door Supervisors that were inspected were compliant and only one minor issue was raised during the operation relating to a damaged photocard.

It is very pleasing to note that as a result of the level of compliance found on the night in question there was no reason to issue any sanctions against any individuals.

On the 13th October 2022 Licensing Officers alongside HM Revenue and Customs Officers visited and inspected 2 licensed premises within the borough. The premises visited were compliant with the requirements of their premises licence however HMRC Officers are investigating an alleged offence found at one of the premises.

4. Proposal

Proactive enforcement operations will continue to take place and Licensing Officers will work with all Responsible Authorities and partner agencies to ensure the compliance of licensing requirements across the borough.

5. Background Papers

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

6. Officer Contact

Debbie Bailey - 07786525961