

# Public Document Pack



<b>MEETING:</b>	Statutory Licensing Regulatory Board
<b>DATE:</b>	Wednesday 21 December 2022
<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 - 4*)

To accept as a correct record the minutes of the meeting held on the 26 October 2022.

3 Statement of Licensing Policy Review Consultation 2022 (*Pages 5 - 6*)

The Service Director Law and Governance will submit a report informing Members of the Statement of Licensing Act 2003 Policy Review Consultation to be undertaken for 10 weeks commencing on the 23 December 2022.

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  
Sajeda Khalifa, Solicitor  
Debbie Bailey, Senior Licensing Officer

Please contact Jack Moore on email [governance@barnsley.gov.uk](mailto:governance@barnsley.gov.uk)

Tuesday 13 December 2022

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<b>MEETING:</b>	Statutory Licensing Regulatory Board
<b>DATE:</b>	Wednesday 26 October 2022
<b>TIME:</b>	2.30 pm
<b>VENUE:</b>	Reception Room, Barnsley Town Hall

## MINUTES

**Present** Councillors Green (Chair), Bowser, Cherryholme, Clarke, Danforth, Greenhough, Hunt, Osborne, Shepherd and Webster

### 4 Declaration of Interests

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

### 5 Minutes

The minutes of the meeting held on the 22<sup>nd</sup> June, 2022 were taken as read and signed by the Chair as a correct record.

### 6 Enforcement Update

Debbie Bailey provided members with an overview of the enforcement work Licensing Officers has recently undertaken.

Members were informed that Licensing Officers had carried out regular proactive licensing enforcement work since the last enforcement update. Some examples of the work undertaken was provided to members.

A Police led operation was held on 21<sup>st</sup> September 2022 alongside Licensing Officers, other local authority departments and the DVSA to conduct checks on vehicles licensed to carry scrap metal to ensure they were correctly licensed under the Scrap metal Dealers Act 2013. 4 vehicles were stopped and examined, out of which 1 vehicle was correctly licensed, 1 was identified as requiring a collectors licence and 2 required further investigations into whether they required a Scrap Metal License for the items they were carrying.

On the 23<sup>rd</sup> September, 2022 a joint evening operation was undertaken in the Town Centre, comprising of Licensing Officers, South Yorkshire Police Officers, South Yorkshire Police Licensing Officers and the Investigations Officer for the Security Industry Authority. The focus of the operation was to visit licensed town centre premises and the Door Supervisors to those licensed venues. In total 16 premises were visited and 35 Door Supervisors were inspected. All Door Supervisors were found to be compliant with one minor issue raised relating to a damaged photocard. Members heard how pleasing the level of compliance was and that no sanctions against anyone were necessary.

Licensing Officers alongside HM revenue and Customs Officers visited and inspected 2 licensed premises. Both premises were found to be compliant with the

requirements of their premises licence. However, there is an ongoing investigation in relation to one of the premises for an alleged offence which is being carried out by HMRC Officers.

In the ensuing discussion the following matters were raised:

- Members queried as to why only 4 vehicles had been stopped and checked. They were informed that as it was a static check that needed to be in a reasonable place on the highway to pull over vehicles, it is expected that other scrap metal collectors were made aware to avoid the area.
- Queries were raised as to the validity of the records kept by scrap metal collectors and how they could prove that what was written in their log books was correct. Members were informed that it was a difficult offence to prove when provided with a list of names and addresses, however all documentation was checked.
- Members queried what licences were required, the Licensing Officer informed them that both the Scrap metal Licence and Waste Carriers Licence run independently and both are required.
- The details and logs kept by scrap metal sites were of a high standard in the Borough. Members were informed that in order to pay someone for their scrap, photo ID, proof of address and bank account details were required in order to create an audit trail. Cash payments had been abolished.

**RESOLVED:-**

- (i) that the Board place on record their thanks and appreciation to all those involved in enforcement activities and continually working with premises and scrap metal carriers ensuring a good understanding and compliance with Legislation; and
- (ii) that update reports on all enforcement activity continue to be submitted to the Regulatory Board on a regular basis.

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Chair

# Item 3

**Report of the Service Director Law and Governance to the  
Statutory Licensing Regulatory Board  
to be held on the 21 December 2022**

## **Statement of Licensing Act 2003 Policy Review consultation 2022**

### **1. Purpose of Report**

The purpose of this report, is to inform Members of the statement of Licensing Act 2003 Policy Review Consultation.

### **2. Background**

As a licensing authority we must determine and publish a Statement of Licensing Policy at least once every five years, in line with statutory guidelines. In respect of this we have reviewed our current Statement of Licensing policy and are now in a position to carry out the statutory consultation before the final policy is determined.

### **3. Current Position**

The Licensing Act 2003 requires the Council to have a “Statement of Licensing Policy” that sets out the policies that the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.

The Licensing Act 2003 has four licensing objectives that a licensing authority must incorporate into any strategy. These are:

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance
- The Protection of children from harm
- Public Safety

The Statement of Licensing Policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and in accordance with the statutory requirements of the Act.

The consultation will run for 10 weeks commencing on 23<sup>rd</sup> December 2022 and finishing at 00:00 hours on 3<sup>rd</sup> March 2023.

#### **4. Proposal**

Members are asked to consider the consultation document and provide any views to the Licensing Officer in writing no later than 00:00 on the 3<sup>rd</sup> March 2023.

#### **5. Recommendation**

That members note and consider the consultation arrangements and respond accordingly to the consultation document

#### **6. Officer Contact**

Debbie Bailey

07786525961