

MEETING:	Statutory Licensing Regulatory Board
DATE:	Wednesday, 21 February 2018
TIME:	2.30 pm
VENUE:	Reception Room, Barnsley Town Hall

MINUTES

Present

Councillors C. Wraith MBE (Chair), J. Carr, Clarke, S. Green, Daniel Griffin, W. Johnson, Spence, Sumner, Tattersall and Wilson

3 Declaration of Interests

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

4 Minutes

The minutes of the meeting held on the 20th December, 2017 were taken as read and signed by the Chair as a correct record.

5 Enforcement Update

The Service Director Culture, Housing and Regulation submitted a report providing an overview of the work of Licensing Enforcement Officers undertaken recently in relation to the Licensing Act 2003.

(a) Suspension of Premises Licences for failing to pay the annual fee

It was reported that several licensed premises within the borough had outstanding annual fees in relation to their premises licences and Licensing Officers were now in a position to be able to suspend such premises licences in order to comply with the requirements of Section 55a of the Licensing Act 2003. The suspension would remain in place until such time as the outstanding fee was paid.

These premises would already have received invoices and documentation requesting outstanding fees and whilst Licensing Officers would do their utmost to avoid suspending a licence, the Licensing Act 2003 was clear that suspensions should take place if fees were due.

(b) Training for SIA Doormen

Officers within Public Health and Licensing were working together to provide training for SIA Doormen and especially for those working within the Town Centre Licensed premises. This training was aimed at promoting awareness of equality and diversity issues and helping doormen to understand and provide support to people with mental health issues. It would also aim to improve understanding of the effects of alcohol and substance misuse as well as offering the opportunity for doormen to become qualified first aiders.

(c) Charity Boxing Events

It was noted that following the death of a young boxer who had been taking part in an unlicensed boxing event at a nightclub in Great Yarmouth, Barnsley Licensing Officers had met Health and Safety Officers in order to raise awareness of the risks associated with such events and the measures that Officers could take to ensure that the organisers were carrying out the event safely.

All applications for premises licences that included the provision of boxing or wrestling would be required to provide a suitable and sufficient Health and Safety Risk Assessment to both the Licensing Authority and Environmental Services at least 21 days prior to an event taking place.

(d) Immigration checks on Licensed Premises

Licensing Officers accompanied by Immigration Enforcement Officers had inspected a premise in the Town Centre on the 2nd February, 2018 following the receipt of intelligence that suggested that illegal immigrants may have been working and living on the premises in contravention of the Licensing Act 2003.

The premises had been compliant with the appropriate legislation and all individuals had the correct permissions to live and work in the UK.

It was reported that proactive enforcement action would continue to take place on a regular basis. In addition, further enforcement action was being planned with various agencies including the Police and the Immigration Service as, by doing so, and by encouraging all individuals licensed under the Licensing Act 2003 to accept responsibility for their failures, that the safety of the public could be maintained.

In the ensuing discussion, the following matters were raised:

- In relation to the suspension of Premises Licences
 - It was noted that some of the premises concerned may have gone out of business in which case this would not be an issue, the problem would be with those premises which were continuing to trade
 - Arising out of the above and in response to specific questioning, information was provided about the way in which the Authority had previously chased up outstanding fees. It was hoped that the new arrangements involving the Licensing Service in the initial follow up when there was a default in payments would improve collection arrangements
 - The fees for a premises licence was dependent upon the rateable value of the property concerned
 - It was noted that a premises licence holder was responsible for any outstanding debts. Any outstanding liabilities were not 'attached' to the premises. Any member with information about 'absentee' licence holders should contact the Licensing Service
- In relation to Training for SIA Doormen
 - The proposals were well supported by the Doormen and previous training exercises had proved to be more popular than anticipated with

- more people attending than was expected. Reference in this respect was made to the 'anti-terrorism' training
- The aim of the training exercise was to help Doormen deal with situations they were likely to encounter as part of their role
 - It was noted that many doormen had alternative daytime employment so may not be able to attend the training and consideration would have to be given to how such issues could be addressed
 - It was reported that not all premises were required to have doormen and some only needed them at 'peak' times. Such matters were detailed within the Licensing Conditions for each premise
 - There was a discussion centring on the type of first aid training to be provided. It was noted that all night marshals were now trained to administer adrenalin and they were also in contact via radio with the doormen so that in urgent situations help/assistance could be sought and provided
- In relation to Charity Boxing Events
 - There had a slight increase in the number of charitable boxing events being advertised and whilst premises could be licensed for such events (in terms of the Licensing Act 2003), this did not mean that they were complying with Health and Safety legislation which required there to be a professional referee and doctor on site whilst such events were taking place. If Members became aware of such types of events taking place, they should immediately inform the Licensing Service so that the necessary checks could be made to ensure that the event was run appropriately
 - It was noted that the organisers of such events were sometimes not aware of the Health and Safety legislation and the exercise being undertaken by the Licensing Service and Health and Safety was about educating them so that events were run correctly
 - It was suggested that the Council's website be amended to include a schedule detailing the requirements organisers needed to meet in order to run a successful event. This would be investigated
 - In relation to Immigration checks
 - It was noted that all checks by Immigration Officers had to be undertaken in response to intelligence information. They were precluded from undertaking random checks possibly because of the number of premises involved and the limited resources available which meant that the focus had to be on intelligence led operations.
 - The Immigration Service had given an assurance that whenever an exercise was undertaken within the Borough, they would contact the Licensing Service so that Enforcement Officers could accompany Immigration Officers
 - It was noted that the majority of premises visited were predominately those with Late Night Refreshment Licences

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 currently achieved; and

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

Chair