

<u>MEETING</u>
LICENSING COMMITTEE
<u>DATE AND TIME</u>
MONDAY 24TH NOVEMBER, 2014
AT 7.00 PM
<u>VENUE</u>
HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
6.	LICENSING AUTHORITY - FIXED ODD BETTING TERMINALS	1 - 8
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8.	REVIEW OF THE LICENSING POLICY	43 - 78
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10.	STREET TRADING POLICY	87 - 108

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	AGENDA ITEM 6 Licensing Committee 24th November 2014											
	<table border="1"> <tr> <td style="text-align: right;">Title</td> <td>Licensing Authority – Fixed Odd Betting Terminals</td> </tr> <tr> <td style="text-align: right;">Report of</td> <td>Strategic Director Growth & Environment</td> </tr> <tr> <td style="text-align: right;">Wards</td> <td>All</td> </tr> <tr> <td style="text-align: right;">Status</td> <td>Public</td> </tr> <tr> <td style="text-align: right;">Enclosures</td> <td>Appendix 1: Briefing on the London Borough of Newham’s proposal</td> </tr> <tr> <td style="text-align: right;">Officer Contact Details</td> <td>Emma Phasey Trading Standards and Licensing Manager Emma.phasey@barnet.gov.uk</td> </tr> </table>	Title	Licensing Authority – Fixed Odd Betting Terminals	Report of	Strategic Director Growth & Environment	Wards	All	Status	Public	Enclosures	Appendix 1: Briefing on the London Borough of Newham’s proposal	Officer Contact Details
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Report of	Strategic Director Growth & Environment											
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Status	Public											
Enclosures	Appendix 1: Briefing on the London Borough of Newham’s proposal											
Officer Contact Details	Emma Phasey Trading Standards and Licensing Manager Emma.phasey@barnet.gov.uk											

Summary
This is a report informing the Committee about a proposal that the London Borough of Newham is seeking to make to Government in relation to the current stakes offered in relation to fixed odd betting terminals in on street betting premises.

Recommendations
1. That the Licensing committee note the proposal by the London Borough of Newham in relation to fixed odd betting terminals in on street betting premises.

1. WHY THIS REPORT IS NEEDED

Under the Gambling Act 2005 the Council is the licensing authority for gambling premises in the Borough. The Act requires that a licensing authority should aim to permit the use of premises for gambling in so far as it thinks it is:

- a) in accordance with any relevant code of practice or any guidance from the Gambling Commission;
- b) reasonably consistent with the licensing objectives; and
- c) in accordance with its gambling licensing policy.

The Council has a number of important regulatory functions in relation to gambling. These include licensing premises, regulating gaming and gaming machines in clubs, granting permits to what the Guidance refers to as 'family entertainment centres' for the use of certain lower stake gaming machines, regulating gaming and gaming machines on alcohol licensed premises, granting permits for prize gaming, and registering small society lotteries.

In relation to Gambling, there are 3 principles that are upheld in relation to granting licences and enforcement:

- Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

There are currently 72 gambling premises licences in the borough.

The London Borough of Newham, is proposing to submit an application under the Sustainable Communities Act 2007 to reduce the maximum stake on Category B2 Fixed Odd Betting Terminals (FOBT) from £100 to £2 in on-street betting premises.

The Gambling Act 2005 states that B2/FOBT machines are only allowed in betting premises such as betting shops and bingo halls. However these premises can have up to 4 of these machines. There have been concerns raised in relation to these machines as the maximum stake is £100 per game, with each game lasting potentially only 20 seconds.

In April 2014, the Government announced new gambling protections and controls including:

- i. New betting shops, where there is a change in use class, will now require a planning application
- ii. Players accessing higher-stakes machines (over £50) will be required to use account-based play or load cash over the counter.

iii. It will be a requirement that all players of fixed odds betting terminals are presented with a choice of limits before play commences

iv. Gaming machines in betting shops will be required to present warning messages and pauses in play.

However these protections/controls do not address the concerns about the high maximum stakes.

2. REASONS FOR RECOMMENDATIONS

This proposal has already gained the support of Councillor Hart, Chair of the London Borough of Barnet Licensing Committee. He has requested that this matter is brought to the attention of all members of the Licensing Committee.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

None - the Committee is asked to note the proposal by the London Borough of Newham only.

4. POST DECISION IMPLEMENTATION

Not applicable in the context of the report

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

There are three statutory objectives to be met through licensing:

(1) Preventing gambling from being a source of crime, being associated with crime or being used to support crime

(2) Ensuring that gambling is conducted in a fair and open way

(3) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Licensing of Gambling premises supports objectives contained within the Corporate Plan. In particular, in relation to “maintaining the right environment for a strong and diverse local economy” as well controlled gambling premises can contribute to the economic, cultural, environmental and social wellbeing of the borough.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

There are no resources implications of this report

5.3 Legal and Constitutional References

The Gambling Act 2005 places on local authorities responsibility for making local licensing policies and considering applications for premises licenses.

The Council's Constitution, at Annex A to the Responsibility for Functions section, delegates to the Licensing Committee:

"All functions under the Licensing Act 2003 and the Gambling Act 2005 associated Regulations, not otherwise delegated to the Licensing Sub-Committee."

5.4 Risk Management

There is a reputation risk by not acknowledging this proposal and the potential impact in the London Borough of Barnet. Particularly as one of the objectives for gambling is to protect children and other vulnerable persons from being harmed or exploited by gambling.

5.5 Equalities and Diversity

As this is for information only there is no equalities and diversity impact.

5.6 Consultation and Engagement

Not applicable in the context of this report.

6. BACKGROUND PAPERS

None



Newham London

Newham's Sustainable Communities Act proposal and betting shop campaign

The London Borough of Newham is proposing to submit a proposal under the Sustainable Communities Act to reduce the maximum bet per spin on Fixed-Odds Betting Terminals (FOBTs) in on-street betting shops from £100 to £2.

Sustainable Communities Act (SCA)

The Sustainable Communities Act became law in 2007 and set up a new process of governance where councils can drive central government action and policy to 'assist councils in promoting the sustainability of local communities'. The philosophy behind the SCA is localist in nature and seeks to reduce the centrally imposed duties on councils and to allow councils to be more accountable to their electorate. The Government has a duty to try to reach agreement with councils, via the LGA 'selector' within a year of the application. For a submission to be successful, broad support from local authorities across the country is crucial.

Background to the campaign

The proliferation of high street betting outlets in Newham is an issue of grave concern to the council and local residents due to the impact on the vitality of high streets and the increased anti-social behaviour and crime associated with clustering in one locality. Councils are currently hamstrung in their ability to deal with the issue of high street clustering as the Gambling Act 2005 created a permissive licensing regime, removing any control from local government.

The Government have decided to consider the impact of FOBT gaming through researching potential harm and is due to report in autumn 2014. In the meantime Ministers have published player protection measures and are consulting on giving betting outlets a separate planning use⁶ clause.

Fixed-Odds Betting Terminals (FOBTs) and clustering

Newham has one of the highest number of betting shops of any London borough with 86 currently in operation. Each betting outlet can provide four FOBT machines which offer casino style content including games such as roulette at up to £100 a spin, which can be wagered every 20 seconds. It is in response to the cap that bookmakers have opened multiple premises in clusters to facilitate more machines as a fixed margin product guarantees bookmakers a return. As a result, FOBTs have become a significant part of their business operations which has led to betting shops proliferating on high streets and licenses being moved from tertiary locations to clusters.

There are now more than 33,400 FOBTs offering casino content on high streets' illustrating this is a nation-wide issue. There are also more than twice as many betting shops in the poorest 55 boroughs compared with the most affluent 115, which are equivalent by population.

It is for this reason that Newham is proposing to make a SCA submission to reduce the maximum bet per spin on FOBTs from £100 to £2. Gambling machines in easily accessible locations – such as those in bingo halls, amusement arcades and adult gaming centres – are capped at £2 per spin, to protect the player and to limit losses and this proposal would bring them into line with other machines in the UK. The below table illustrates how B2 machine stakes compare with other gaming machines:

Machine Category	Maximum stake (from January 2014)
A	Unlimited
B1	£5
B2	£100
B3	£2
B3A	£2
B4	£2
C	£1
D (money prize)	10p
D (non-money prize other than crane grab machine)	30p
D non-money prize (crane grab machine)	£1
D combined money and non-money prize (other than coin pusher or penny falls machines)	10p
D combined money and non-money prize (coin pusher or penny falls machine)	20p

Data mapping

Newham Council's research, using the Gambling Commission's premises register between 2008 to 2010 and 2014, finds that amongst the 261 areas for which there is consistent data there has been a 12% increase in the number of betting shops that are in the most deprived areas. Over a third of betting shops – 36% - are in the fifth most deprived areas. Newham would be happy to share a map with you if there has been a significant change in your area.

Thank you for your support for this Sustainable Communities Act submission.

Through joint, collaborative working we can tackle this issue and for further information please contact

Hannah.clifton@newham.gov.uk

⁶<http://www.gamblingcommission.gov.uk/docs/industry/%20statistics%20-%20Apr1%20to%20Mar1%202013%20-%20word.docx>

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	AGENDA ITEM 7 Licensing Committee 24th Novemeber 2014
	<p>Title Licensing Authority – review of the impact of premises licences and the sale and supply of alcohol on the London Borough of Barnet.</p> <p>Report of Strategic Director Growth & Environment</p> <p>Wards All</p> <p>Status Public</p> <p>Enclosures Appendix 1 – Report on the impact of alcohol in Barnet</p> <p>Officer Contact Details Emma Phasey Trading Standards and Licensing Manager Emma.phasey@barnet.gov.uk</p>

<h3>Summary</h3> <p>This is a report on the impact of premises licences granted under the Licensing Act 2003, and the impact that the sale and supply of alcohol is having on the London Borough of Barnet.</p>

<h3>Recommendations</h3>
<p>1. That the Licensing committee consider and note the following report.</p>

1. WHY THIS REPORT IS NEEDED

The Licensing Act 2003 makes the Council the Licensing Authority for licensing the sale of alcohol, the provision of regulated entertainment and late night refreshment in pubs, off-licences, clubs and restaurants in the Borough. There are approximately 1,000 licensed premises within the London Borough of Barnet.

The four licensing objectives are:

- Prevention of Crime & Disorder
- Prevention of public nuisance
- Protection of children from harm
- Public Safety

The Development and Regulatory Services (DRS) enforcement policy emphasises how the DRS will deliver enforcement functions in a way which enables economic growth for compliant businesses and other regulated entities, by:

- minimising the negative economic impacts of regulatory activities;
- minimising the costs of compliance for duty holders;
- improving confidence in compliance for duty holders; and
- encouraging and promoting compliance.

In the past 12 months, the Licensing Department has been looking at the most effective way to ensure compliance with the Licensing Act 2003 and to minimise the negative impact of alcohol within the London Borough of Barnet.

In early 2014, an intelligence analyst was employed by Regional Enterprise Limited to support regulatory services in relation to enforcement and compliance. This resource has been utilised by the licensing team to review the impact of alcohol in Barnet and to look to the most effective and efficient way of dealing with it. In particular the licensing team has adopted the national intelligence model in relation to compliance and enforcement work.

In September 2014 the Licensing team helped launch a joint tasking group (JTaG) with a focus on intelligent, effective and efficient cross department working. The JTaG reports to the London Borough of Barnet Anti-Social Behaviour Board and brings together the following departments:

- Regulatory Services (including Licensing, Trading Standards and environmental health),
- Metropolitan police,
- Community safety
- Public health.

The report attached in Appendix 1 was created at the request of the JTaG so that all departments can make decisions on how to prioritise issues and how to best use resources on a clear evidential basis.

2. REASONS FOR RECOMMENDATIONS

Attached at Appendix 1 is the report created for the JTaG. There have been a number of recent applications that have raised concerns in relation to the proliferation of licensed premises. By considering and noting this report the licensing committee will have a clear understanding of the current situation and impact of licensed premises to enable Councillors to have a better understanding of the background in relation to sales and supply of alcohol within Barnet.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

Not applicable in the context of the report

4. POST DECISION IMPLEMENTATION

Not applicable in the context of the report

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

This report supports the priority of a “successful London suburb” by ensuring that only legal, well regulated licensable activity occurs within the borough

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

Administration and enforcement of the relevant Acts are carried out by the Licensing team, together with support from Legal Services and from Governance Services, when arranging and co-ordinating arrangements for hearings where there are objections. There are no additional costs associated with this work.

5.3 Legal and Constitutional References

The Licensing Act 2003 placed the responsibility for making local licensing policies and considering applications for licenses on local authorities acting as licensing authorities. This function is undertaken by the Licensing Sub-Committee under delegation from the Licensing Committee (the Committee) Annex A of the Council’s constitution . Constitution Part 3, Section 2, details the functions of the Licensing Committee.

5.4 Risk Management

It is prudent to ensure that the Licensing Committee are well informed in relation to the impact of licensed premises within the London Borough of Barnet

5.5 Equalities and Diversity

The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups. By adopting an intelligence based enforcement and compliance approach helps ensure that there is no bias in relation to these activities

5.6 Consultation and Engagement

Not applicable in the context of this report

6. BACKGROUND PAPERS

Council decision of the 20th January 2011 to adopt the current Licensing Policy and the associated scheme of delegation

<http://barnet.moderngov.co.uk/Data/Licensing%20Committee/201012141800/Agenda/Document%202.pdf>

**London Borough of Barnet, Trading Standards and
Licensing, Development and Regulatory Services**

IMPACT OF PREMISES LICENSED THE SALE AND SUPPLY OF ALCOHOL ON CRIMES

The Problems Associated with Alcohol
Consumption in Barnet Borough

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Introduction

This report highlights the problems caused by alcohol within the London Borough of Barnet. It will focus on the prevalence of alcohol-related crimes and the impact of licensed premises on crimes and the community. The report will comment on the impact of licensed premises in Barnet Borough, crime prevention and will make key recommendations. This report will identify repeat locations for alcohol related violence crimes but will not identify individuals at this stage.

Barnet Trading Standards and Licensing have commissioned this report to conduct some statistical analysis into the impact of licensed premises in Barnet Borough. This is the first study of its kind in this Borough, this project will focus on the relationship between the concentration of licensed premises and the impacts on crimes, underage drinking, noise nuisances, street drinking, Anti Social Behaviour, environmental impact, impact on emergency services e.g. on Ambulance services, Police and Fire Services.

The research project reveals that the density of licensed premises does appear to contribute to the upsurge in alcohol misuse and source the upsurge in the number of alcohol related calls made to the London Ambulance Service (LAS), this is linked to intensifications in 999 calls. Not only that; it also posed a greater risks to young people suffering alcohol harm due to the greater availability of alcohol.

People are more likely to drink at home; this is due to the price differences, i.e. price difference between alcohol bought from on and/or off-licence premises (a pint of beer in London's pubs is £3.60¹ where Stella Artois (4x440ml) cost £4.49 at Tesco² (prices are correct as at 27/08/2014). There has been an increase in the number of off-licence premises compared to 30 years ago; this is a 25% increase³ (typical examples are the 24-hours-supermarkets, convenient stores etc, which are dominating our high streets). Research analysis reveals that licensed premises; On and/or Off premises are the major direct and indirect source of access to alcohol for young people under18 years old. Alcohol sales promotion (High Street Supermarkets sales, bars/pubs Happy Hours Sales etc) and the density of licensed premises create negative alcohol-related consequences.

Summary

- Licensed premises are spread across the borough, with high concentration in HA8, NW4, NW11, EN5, N12 and N3.
- Despite the fact we have a large number of licensed premises at the above locations, these have a limited impact on Street Drinking incidents, although the datasets used were limited to incidents reported to the local authority (3 years record – Aug 2011 to Aug 2014).
- HA8 – especially from Station Road to High Street A5, down to Montrose Avenue appear to be the borough hotspots for street drinking; NW11 also shows an indication of borough hotspot.
- In contrast; the density of licensed premises - especially on and off premises, appears to contribute to alcohol misuse and source the upsurge in number of alcohol related calls made to the London Ambulance Service (LAS), this is linked to intensifications in 999 calls.
- The report also sees a 4% of calls to LAS were related to underage drinking – (July 2011 and July 2014). Barnet and Camden are ranked 3rd in the table of Underage Drinking in London. (As at 2012 Barnet 4 -17years age group population is 53% more than of Camden's. Barnet is 63,327 and Camden 4-17years age group is 29,494)
- There is no substantial links between alcohol and noise nuisance in Barnet borough; most cases of noise nuisance that were reported to the Local Authority were not directly linked to alcohol misuse. Although the complainant may not be able to establish if the offender is steered by the alcohol consumption. As expected the Noise complaints figures has gone down since the Live Music Act 2012 Deregulation was put in place on 27/06/2013.
- Most of noise complaints in the borough licensed premises hotspots are loud music/party related and often complained by the residents.
- Alcohol appears to have a significant impact on crimes in the borough, especially at the locations with clustered of on/off premises.

Findings

Barnet is the second largest London borough⁴, the 2011 Census reveals that Barnet has a population of 356,400 and covers an area of 86.74 square kilometres (33 sq mi), Barnet with the 4th highest housing target in London, estimates that the population will increase by 21% over the next 21 years and this may have an impact on the alcohol related incidents in the future.

Data from Barnet Observatory⁵

PREMISES LICENCES

This can be defined as premises licensed the sale of alcohol, to host/perform regulated entertainment (e.g. showing films, staging sporting events or plays e.g. theatrical plays) and to provide late night refreshment. Many premises are licensed the sale of alcohol and late-night refreshment. In the UK there are currently 204,400 premises licences in force: an increase of 3% since 2009⁶

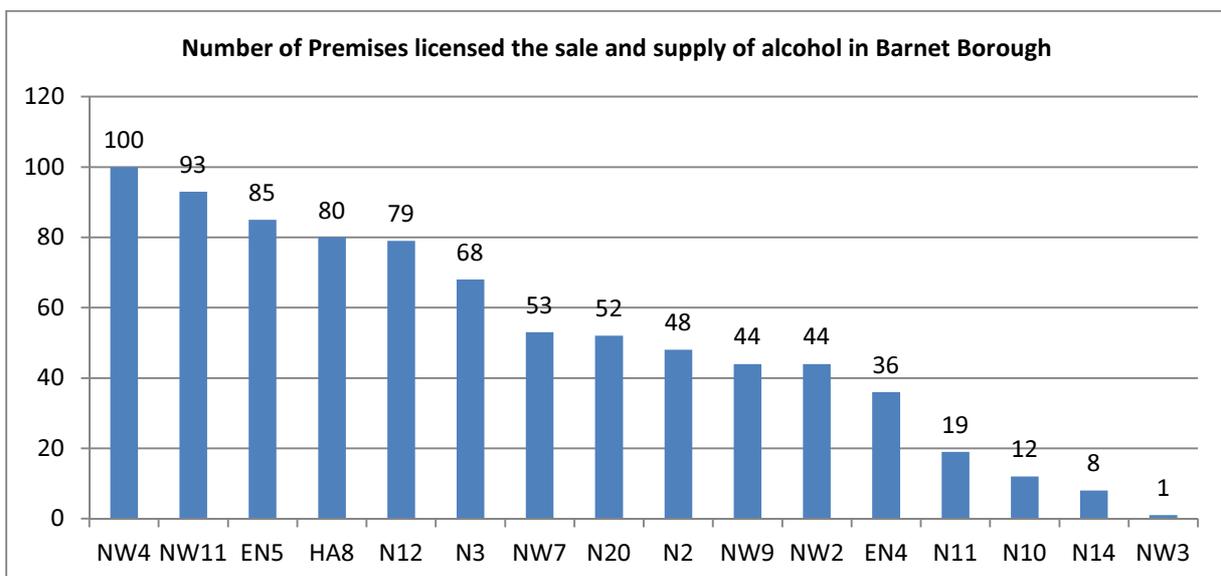
There are three types of licence specific to alcohol retail:

- On and off-sales (to sell alcohol for consumption on or off the premises)
- On-sales only (to sell alcohol for consumption on the premises only)
- Off-sales only (to sell alcohol for consumption off the premises only)

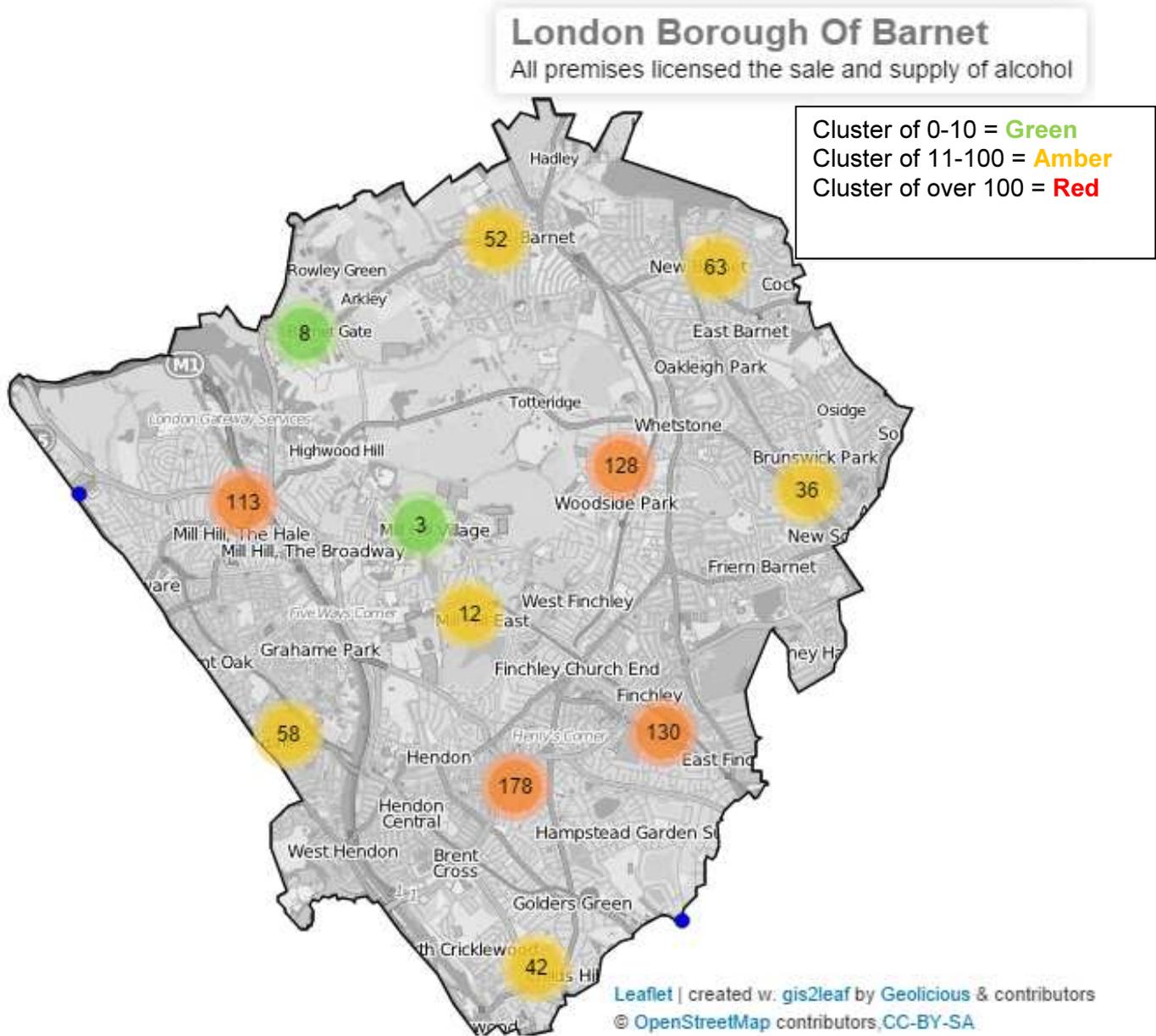
In London Borough of Barnet, individual premises are categorically licensed the sale, consumption or supply of Alcohol⁷.

- 43% are licensed the Sale or Supply of Alcohol off Premises, (Off-sales only)
- 36% are licensed the Sale or supply of Alcohol – Both. (On and off-sales)
- 18% are licensed the Sale or Supply of Alcohol on Premises, (On-sales only)
- 3% are licensed the Sale by Retail of Alcohol
- 0.12% are licensed the Supply of Alcohol by Club

The above premises are spread across the borough, although there is a high concentration especially in the west of the borough - NW4, NW11, HA8. North east - EN5 and south - N12 and N3. Although we have low figures in N10 and N14, a couple of factors may help explain this pattern. These two postcodes are boarded with the neighbouring boroughs (Haringey and Enfield), if these boroughs' figures are to put into consideration, this may increase our borough's figures significantly. This also applies to NW2 and NW9 (Brent).

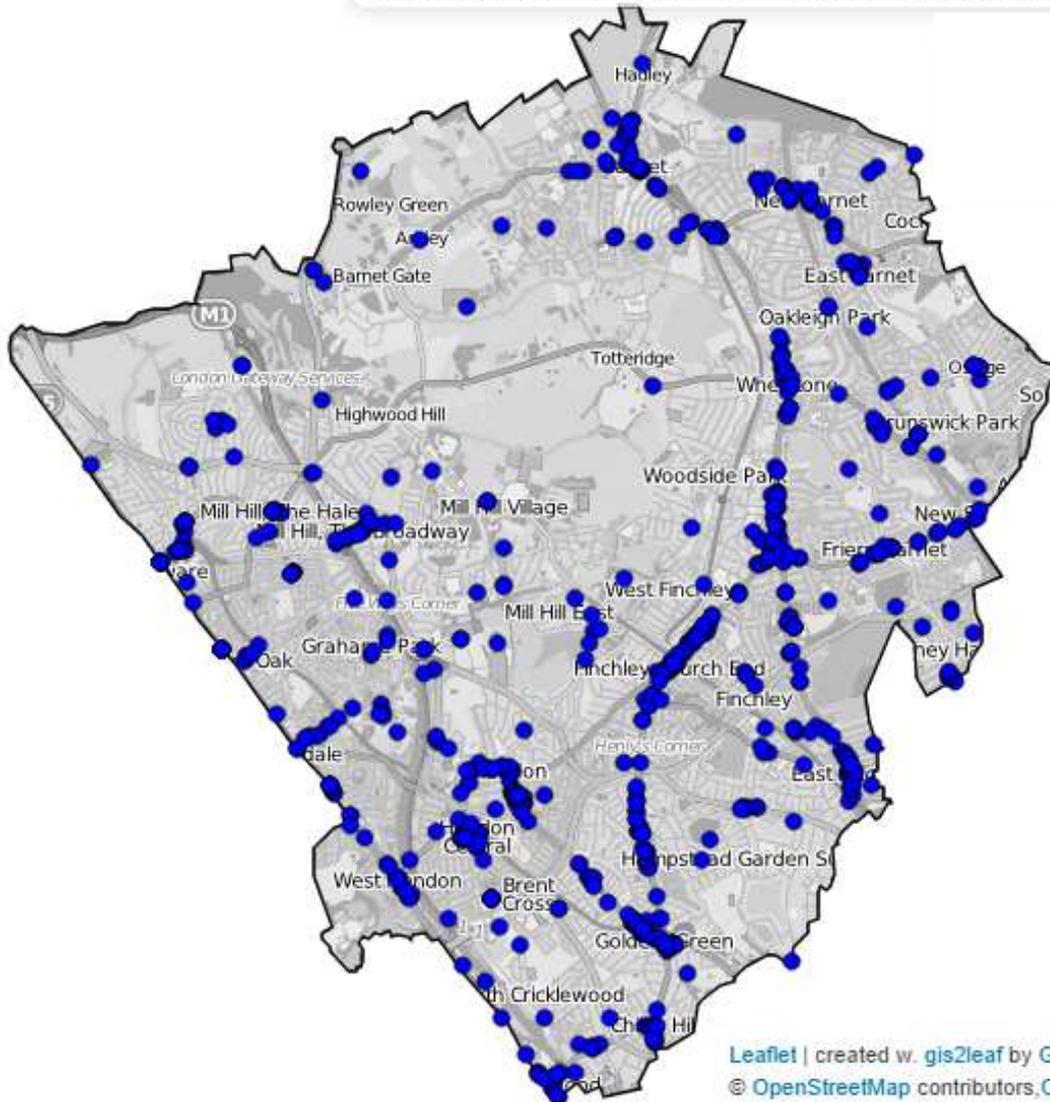


Figures used in the above graph are obtained from Acolaid⁸ i.e. Apr2014 Alcohol Licensing data.



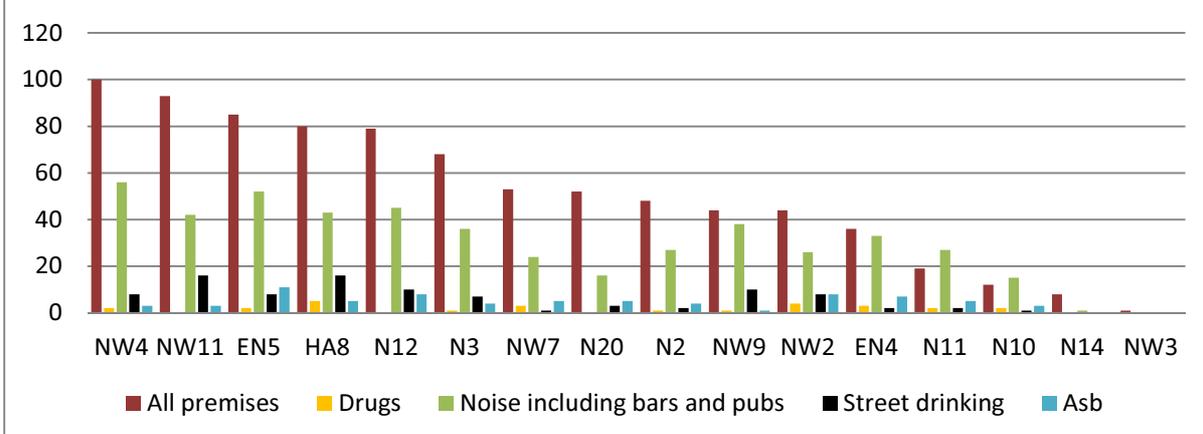
London Borough Of Barnet

The Distribution of all premises licensed the sale and supply of alcohol



Leaflet | created w. gis2leaf by Geolicious & contributors
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All Premises vs Drugs, Noise (inc Pubs & Bars) and Street Drinking

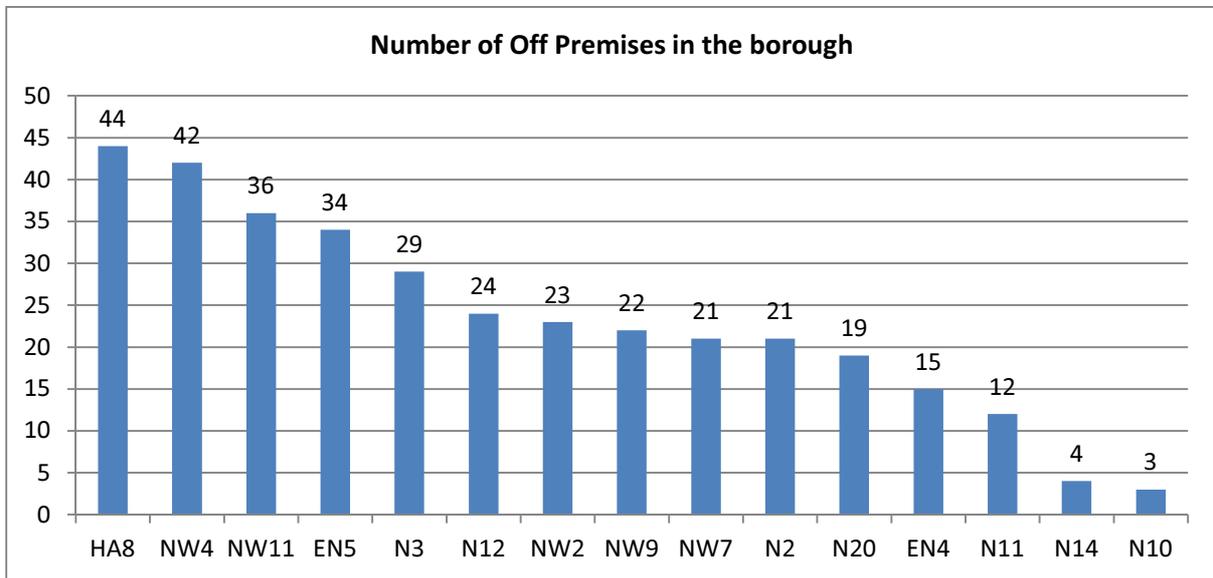


Environmental impact

Alcohol can make neighbourhoods less desirable places in which to live, or run a business. There is a likelihood and evidence for alcohol-related incivility in our residential neighbourhoods. There is a degree to which the presence of licensed premises may be related to anti-social behaviours.

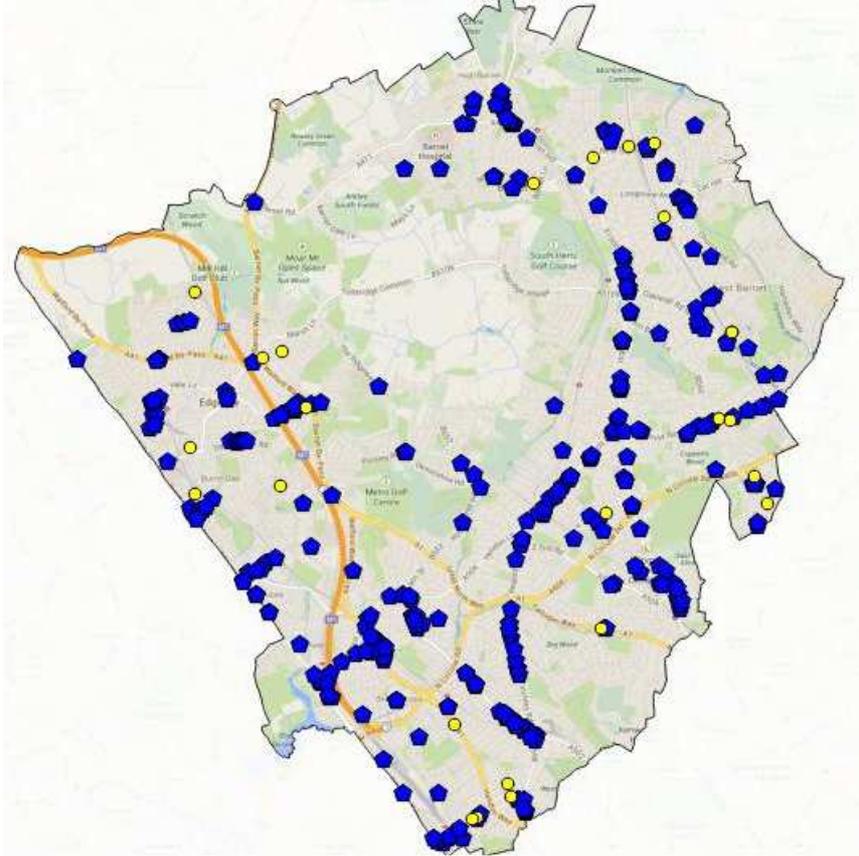
Off-licence premises

Analysis shows that HA8 has the highest concentration of borough’s off-licence premises, followed by NW4, EN5, NW11 and N3 – these locations are within a 2.5 miles radius. A5 is the artery route that connects these borough hotspots, apart from EN5 - (A1 Road), A5 runs northwest up to the Edgware Road through Colindale and West Hendon. This A5 corridor area formerly rich of shopping heritage that was always busy, with variety of shops, but nowadays, things are a little different. Arranged around a busy stretch of A5 route now dotted with alcohol licensed premises. A5 is also known as one of the borough hubs for local businesses.

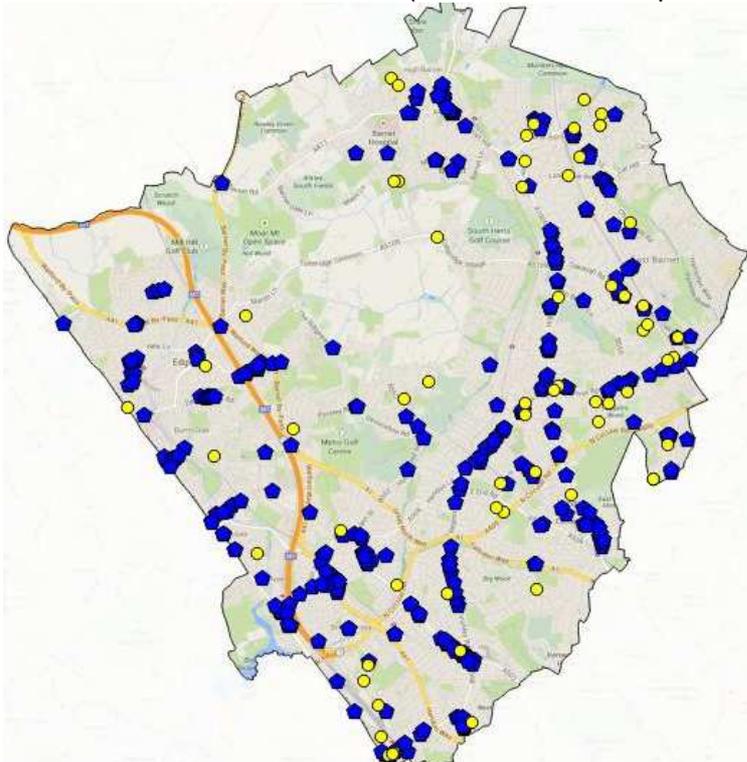


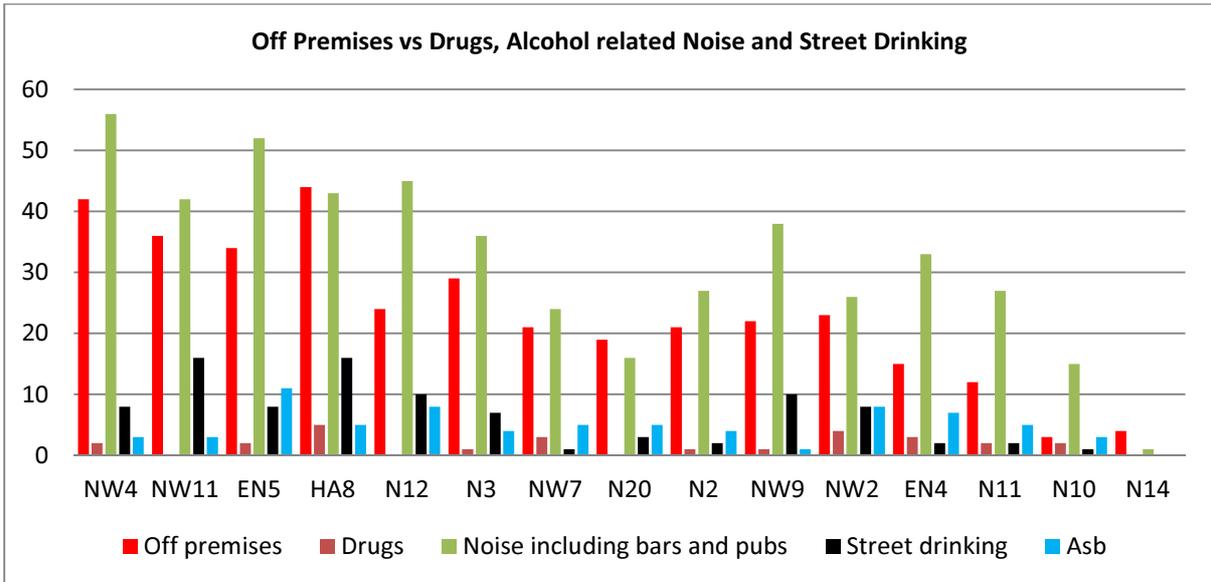
Maps

Plots of hotspot areas in relation to complaints of drugs and presence of dealers or users overlaid on grouping of towns known Off Premises (Blue = Off-licence premises. Yellow = drugs and presence of dealers or users)



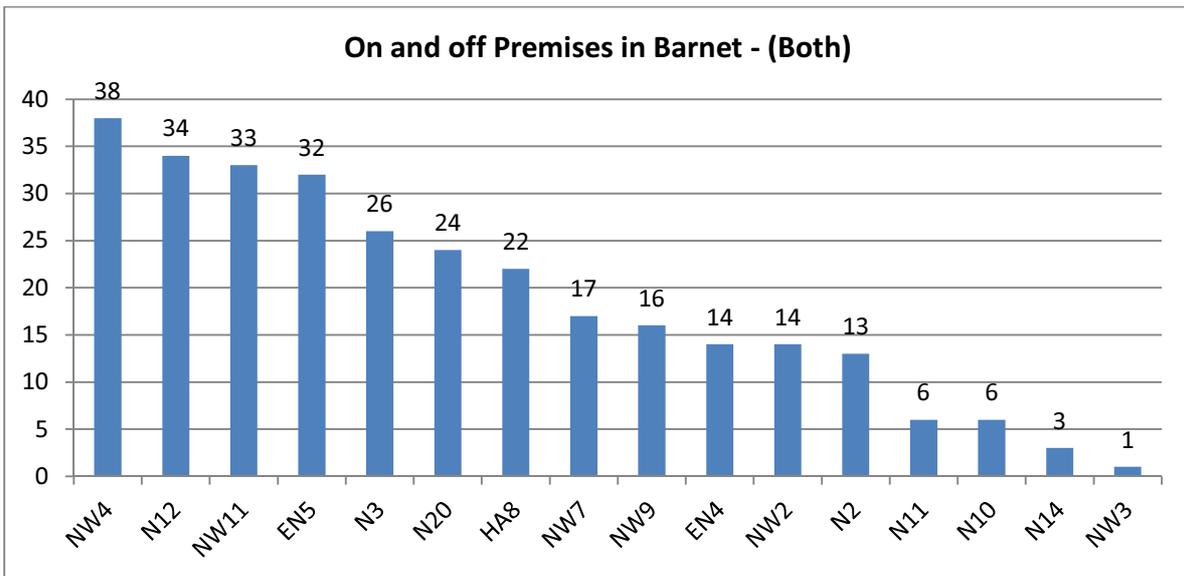
Plots of hotspot areas in relation to complaints of Anti Social Behaviour overlaid on grouping of towns known Off Premises. (Blue = Off-licence premises. Yellow = ASBs)

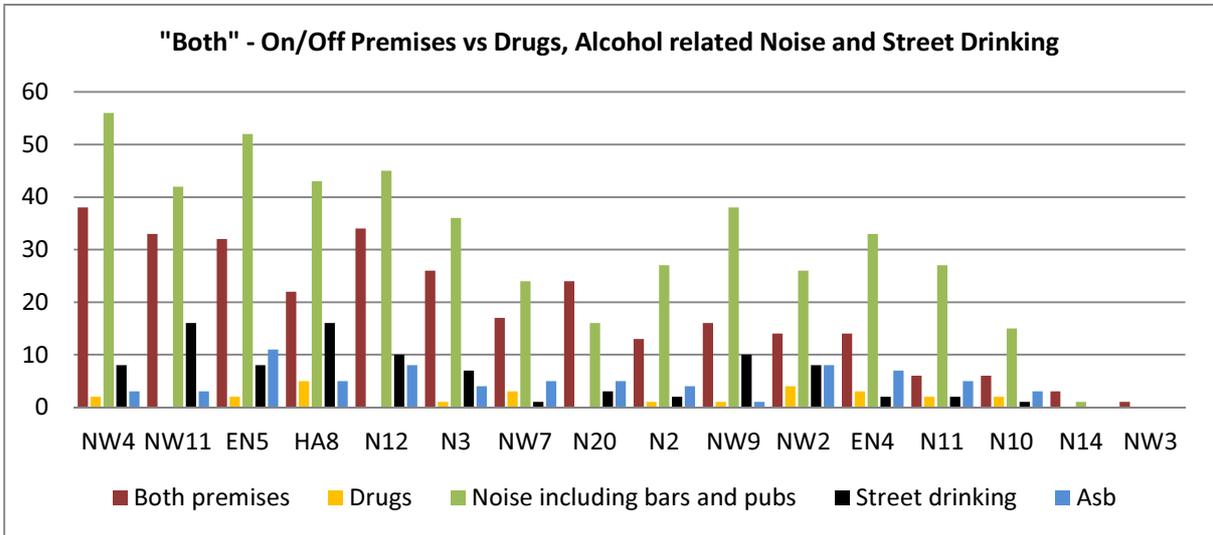
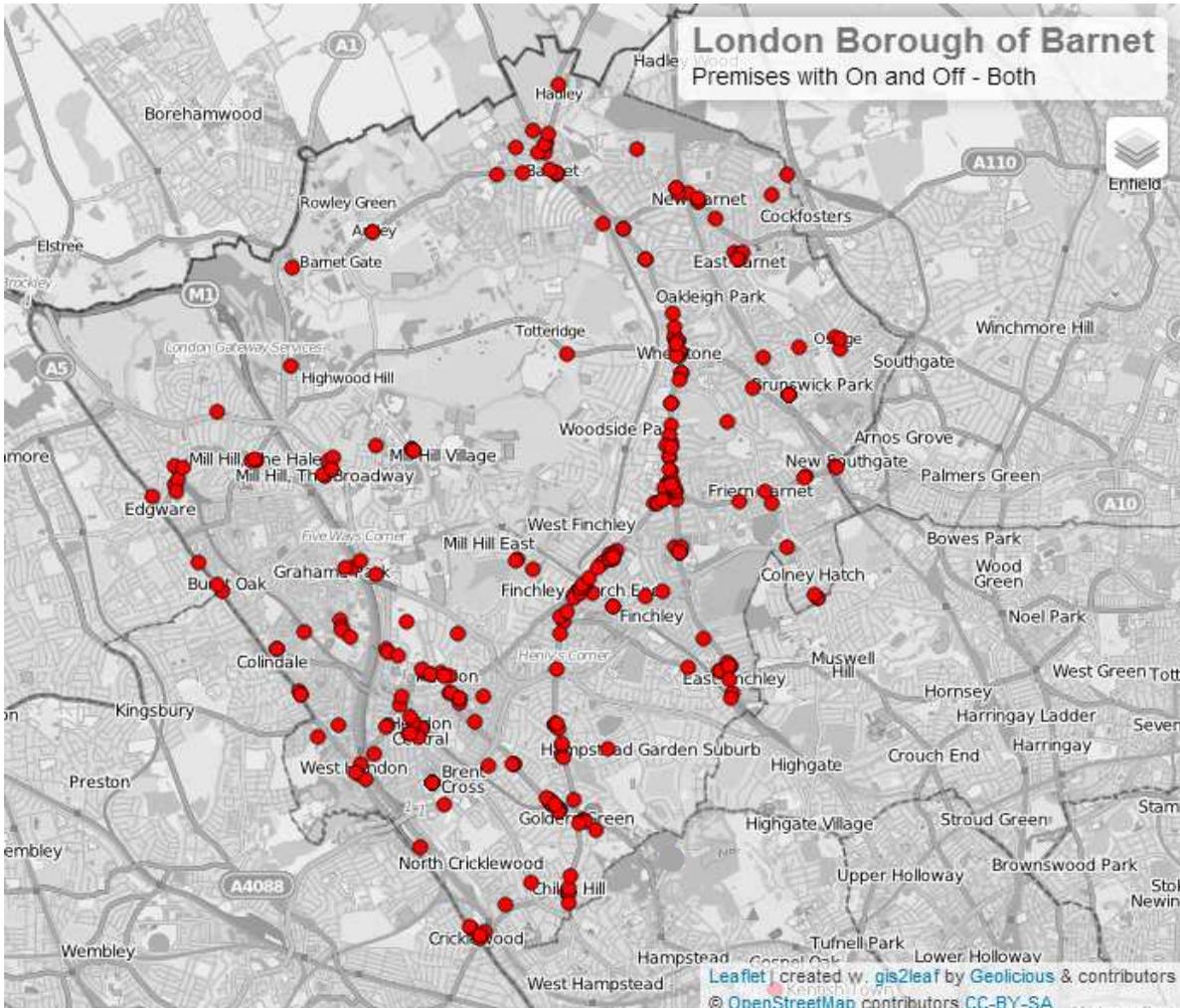




Sale or supply of Alcohol – Both

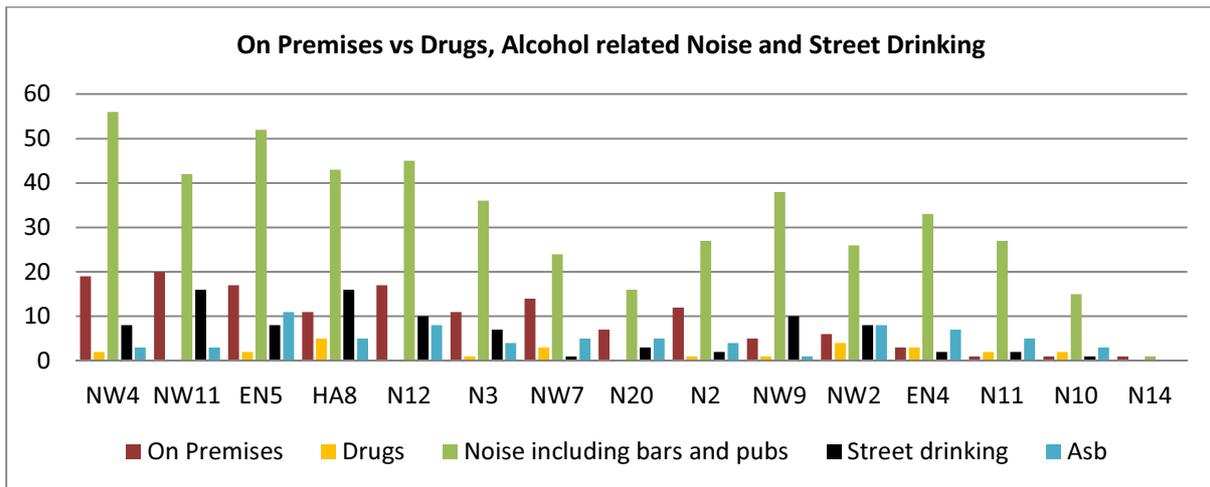
Studies shows that 36.37% of licence issued were to “Sale or Supply of Alcohol – Both”. These are concentrated in and around NW4, N12, NW11, EN5, N3, N20, HA8, NW7 and NW9. These high concentrations are expected to be common – These are prime areas for businesses. The graph below illustrates:





Sale or supply of alcohol – “On premises”

Studies shows that 18% of licence issued were to “On Premises”. These are concentrated in NW11, NW4, EN5 & N12, NW7, N2, HA8 & N3.



Anti Social Behaviour - ASB

There appears to be a link between alcohol and crime or anti social behaviour, although there are fewer datasets available to build a better picture of this, due to most cases are reported directly to the police and fewer are to the local authority. (Local Authority ASBs Datasets used)

Anti social behaviour is described in the crime and disorder act 1998⁹ as ‘acting in an anti-social manner as a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household’. Research and general assumption indicates that people who have been drinking are more likely to become involved in crime and/or disorder.

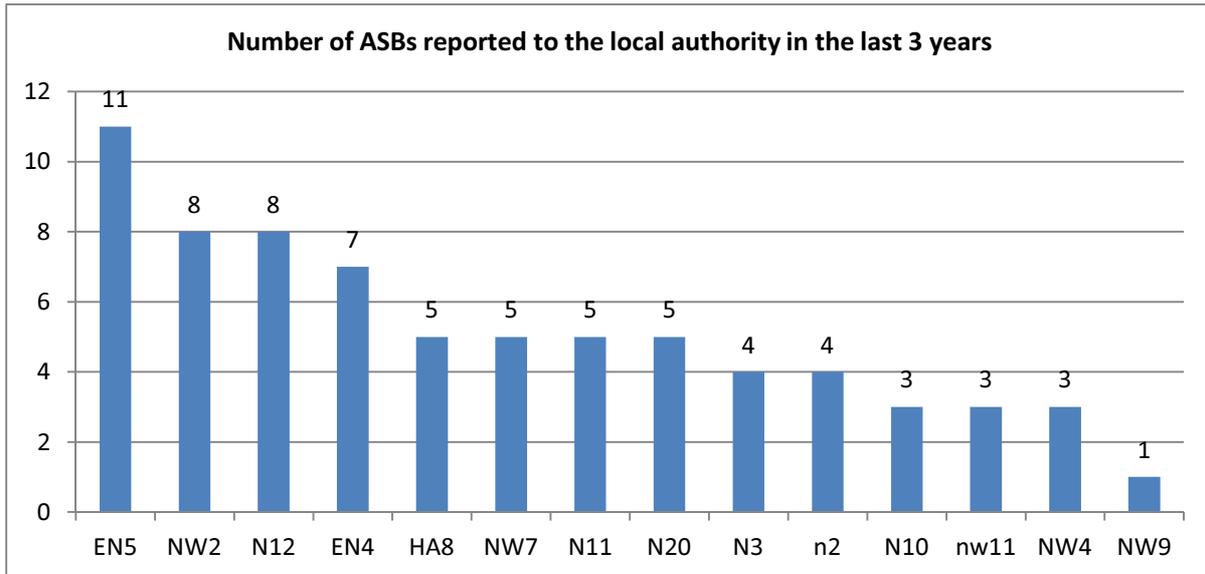
The bullet points on alcohol Statistics from Alcohol Concern websites¹⁰ states the following:

- Alcohol is 45% more affordable than it was in 1980
- Alcohol misuse costs England approximately £21bn per year in healthcare, crime and lost productivity costs
- Average alcohol consumption has gradually fallen in many OECD countries (Organisation for Economic Co-operation and Development) between 1980 and 2009 with an average overall decrease of 9%. The United Kingdom however, has seen an increase of over 9% in these three decades
- It is estimated that 2.6 million children in the UK are living with parents who are drinking hazardously and 705,000 living with dependent drinkers

ASB incidents reported to Barnet council between 27/08/2011 and 28/08/2014 totalled 74 and as follows: Fighting, Hooliganism, Shout and Swear, Vandalism caused to buildings, Graffiti, Vandalism caused to Street furniture’s, or/and Trees/Plants/Hedge. Most ASBs concentrates in the EN5 postcodes, especially 500 yards radius of The Spires Shopping Centre, 11 incidents are recorded in this area in the past 3 years. EN5 is 3rd in the table of density of licensed premises in the borough - especially Off and On licensed premises. 17 of On-Premises and 34 of Off – Premises are in EN5. Therefore the concentration of off-premises; i.e. 34 venues may be linked to the high level of ASBs in the area.

Other areas identified as the borough hotspots as follows N12 – especially 700yards radius of Ballards Lane N12. (Especially the streets along Woodhouse Road). This venue is known for its vibrant surroundings particularly restaurants, bars and pubs.

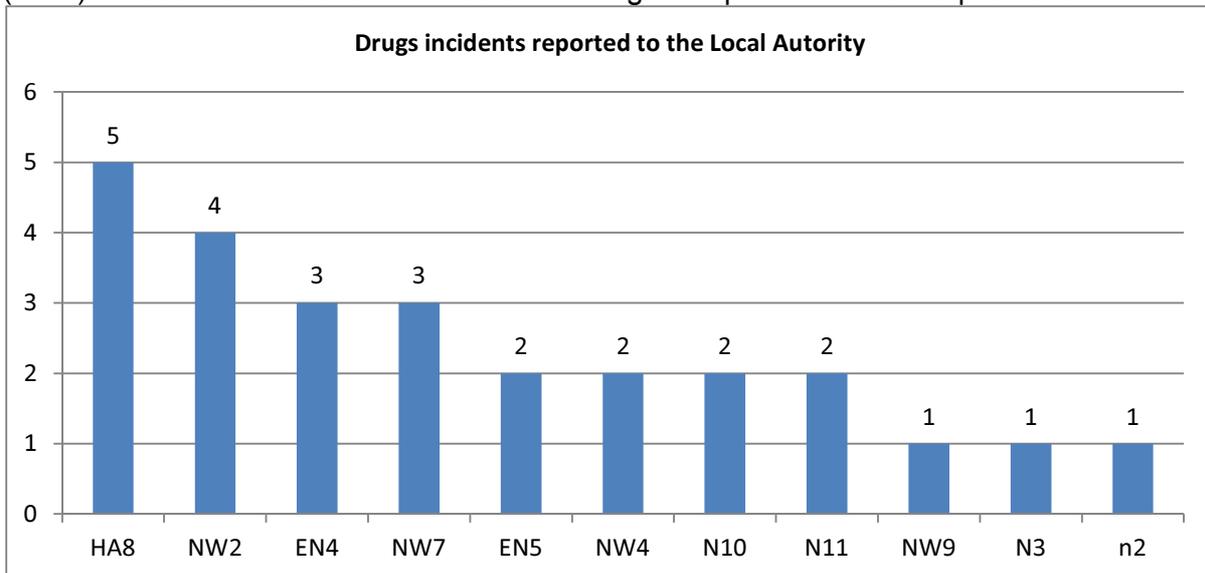
NW2 – in and around Claremont Road also indicates as the borough’s ASB hotspot. (Note: 4 incidents in 2012, 1 incident in 2013 and 3 incidents in 2014)



Datasets obtained from Acolaid¹¹

Drugs

Alcohol/drugs misuse may result in relationship problems, financial difficulties, unemployment and homelessness. According to the 2011-15 JSNA - Joint Strategic Needs Assessment Report - A large proportion of (substance abuse) service users reside in the HA8 postcode (Burnt Oak / Edgware), Friern Barnet (N12), North Finchley and Colindale (NW9). These locations are known as the borough hotspot for off-licence premises



2010 Index of Multiple Deprivation in Barnet

The map illustrates areas where there are less than 40% in the 2010 Index of Multiple Deprivation in Barnet. Again the A5 corridor is considered as the borough hotspot. The combinations of the deprived area, high concentration of licensed premises (easy access to obtain alcohol); and an increase in the number of alcohol related crimes will cause burden on the emergency services including the LAS.



Noise Nuisance

Statistic of alcohol related noise nuisance complaints and number of licensed premises in the borough shows that licensed premises has no major significant contribution towards the noise nuisance in the borough. An example for illustration is NW4, despite this location has a cluster of licensed premises in the borough (bars, convenient shops, and supermarkets in prime areas such as Hendon Central, Brent Cross, The Boroughs and Hendon), the noise nuisance recorded in this area is almost equivalent to NW9 (Colindale area) that has 56% lesser licensed premises.

However, deeper analysis into general noise pollution (regardless of alcohol related) shows a relationship between licensed premises and noise pollution in the borough.

Sound is part of communication and plays an important part in our lives and in our community; it is an affirmative part of a vibrant city. However, excessive sounds can become ‘unwanted sound’ – noise and many people suffer from its impacts.

London Borough of Barnet council’s Noise Team received 2167 reports of noise problems between 01/09/2013 and 23/09/2014, the noise related complaints are recorded as follows:

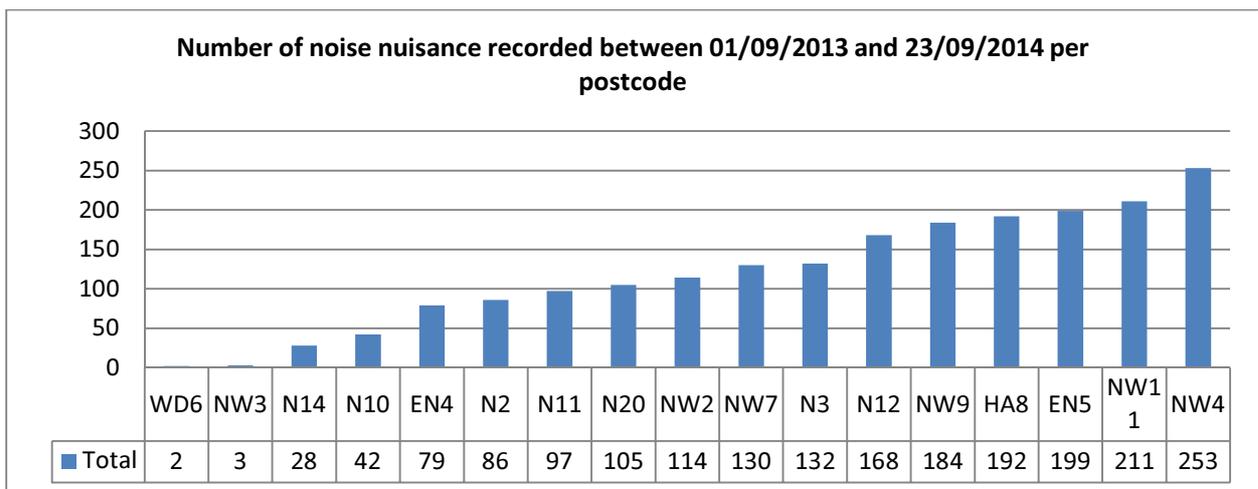
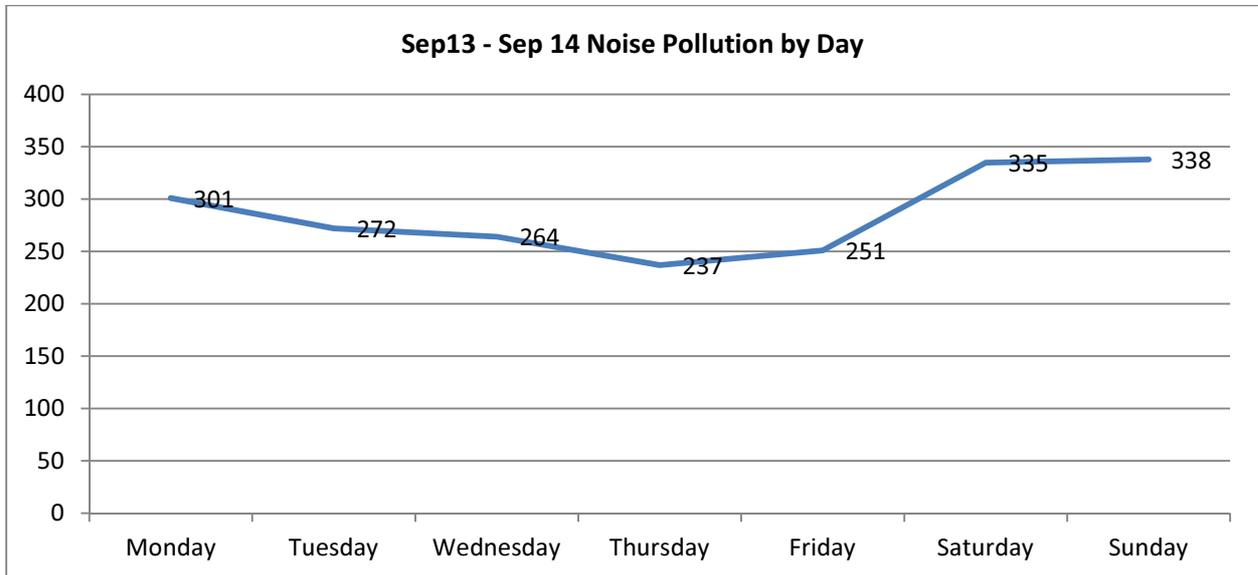
Noise complaint Types	Percentage	Number
Noise Complaint Not Ongoing	39.27%	851
Noise Complaint Out of Hours	39.09%	847
Noise - Neighbours	10.66%	231
Noise Complaint Ongoing	9.23%	200
Noise - Loud music	0.78%	17
Noise - Business & industry	0.51%	11
Noise - Cars & m/cycles	0.42%	9
Vehicle - Racing cars	0.05%	1

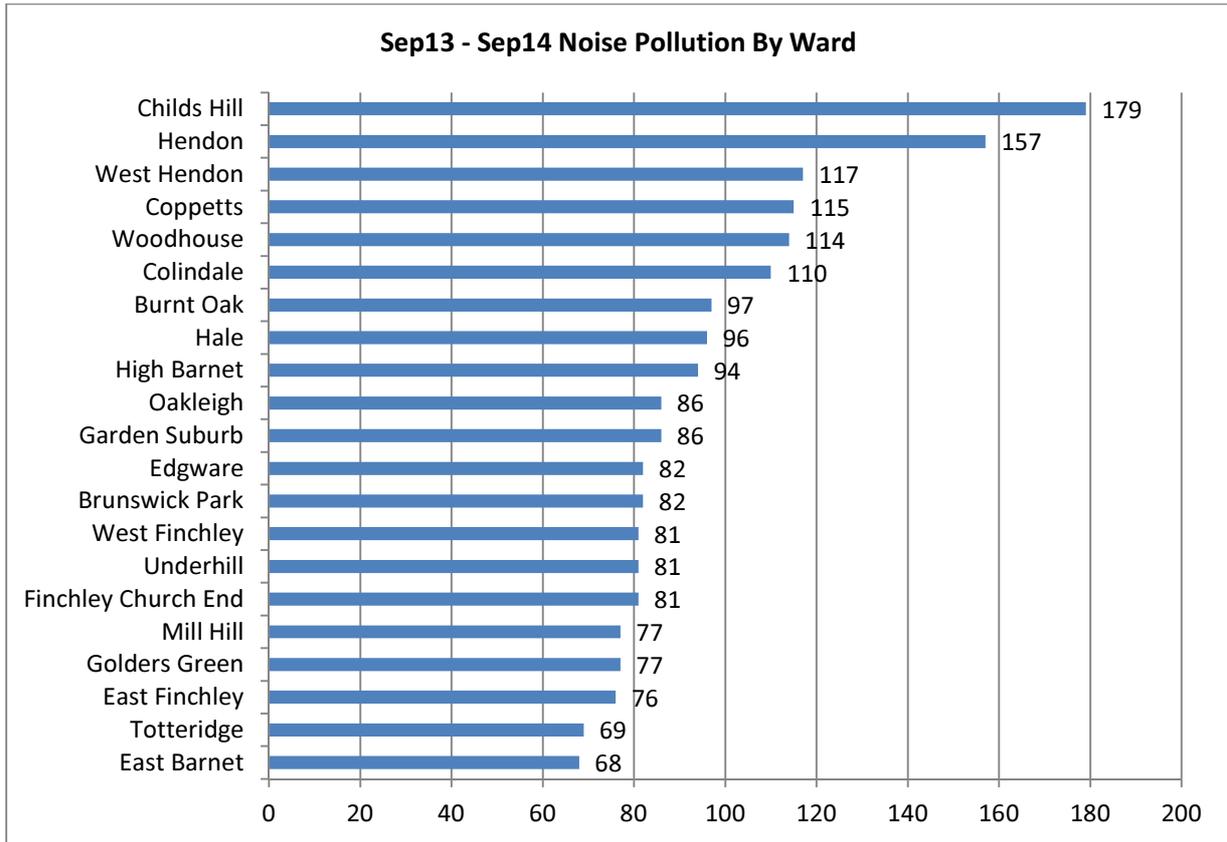
Total	100%	2167
--------------	-------------	-------------

6% or 140 of above incidents are without postcodes and have been discounted from the analysis below.

The borough hotspots for noise pollution in the last 12 months are NW4 and NW11 (these postcodes are in Childs Hill, Hendon and West Hendon Ward, these areas are known for clusters of licensed premises). 13% of all recorded noise incidents are from NW4 and 10% are from NW11. Other noticeable hotspots identified are NW9 and HA8 i.e. Edgware, Burnt Oak and Colindale, again these wards/postcodes are known for cluster of licensed premises).

The factor behind these identified hotspots is that, weekends (Friday into Monday morning) sees numerous complaints regarding noise from pubs, bars and neighbours. The increasingly powerful music systems, the desire for late night entertainment and the increase in leisure time have all contributed to general noise pollution.





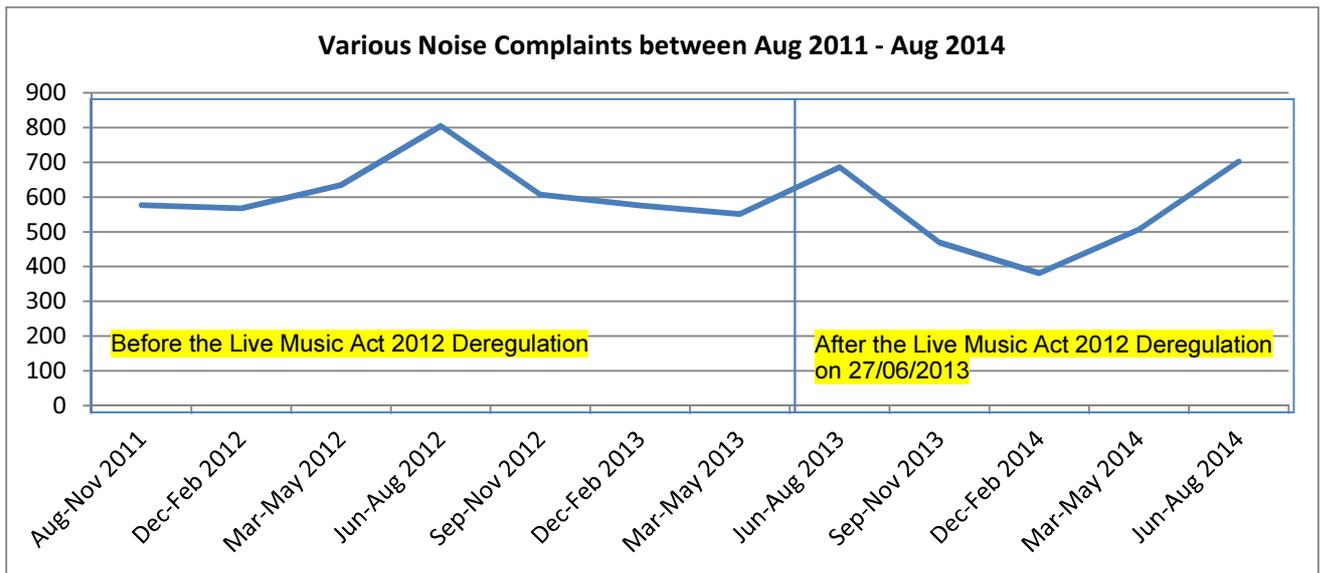
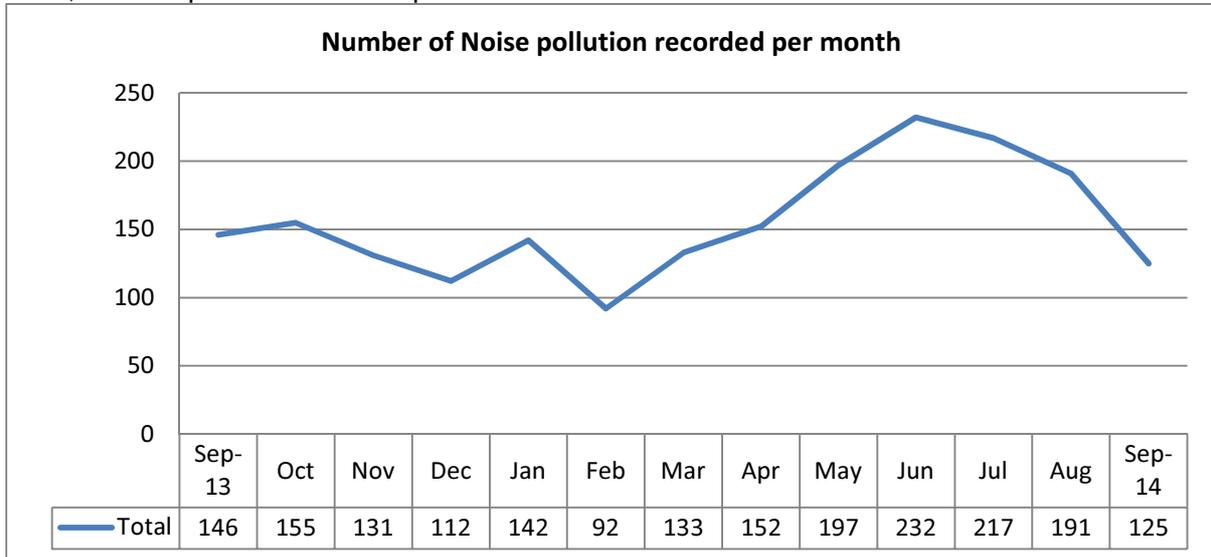
The problems linked to noise pollution forms a significant part of the work that the London Borough of Barnet Environmental Health Officers regularly carries out. Noise nuisance recorded are from a variety of sources, but the majority are domestic e.g. loud music and/or DIY i.e. noise sourcing from neighbours and constructions.

Between Sep 2013 and Sep 2014, the number of noise complaints (including barking dogs) received by the London Borough of Barnet decreased by 14% compared to September 2013 (Note: Sep13 figures are 7 days older than of Sep14), 33% of all recorded noise pollution in the last 12 months relates to Loud Music, i.e. people socialising including partying and with possibilities of alcohol consumption. This also includes noise arising from entertainment premises, which are now a common cause of disturbance to nearby residents. The table below shows the noise pollution by descriptions

Noise Descriptions	Number
Loud Music	661
Other Noise	469
Construction	276
ASB	136
Dog barking	127
Alarm	117
Alcohol related noise	78
Machinery	72
Noise from Neighbours	29
Vehicle noise	29
Musical Instrument	18
Other animals	13

Total	2025
--------------	-------------

The graph below shows noise pollution recorded by months. The graph pattern forecast that there may be a continuous drop in the level of noise pollution until the beginning of Spring 2015, if these patterns are to repeat itself in a circle.

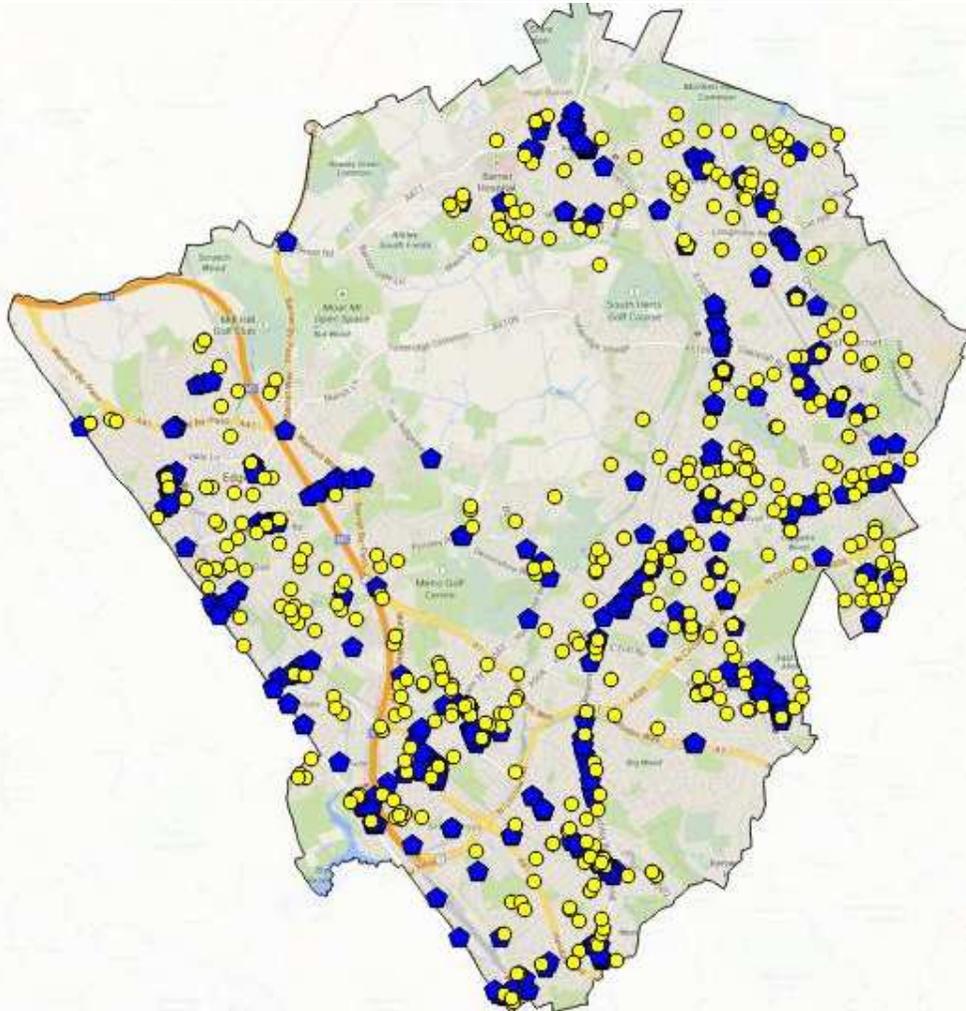


Alcohol related Noise levels are expected to increase during the summer time. An example can be seen in Aug-Nov 11 and Jun-Aug of 12 / 13 / 14. Likewise the noise level is expected to decrease during the winter period, due to shorter days and cold weather, for example Dec-Feb of 12 /13 /14. Although the pattern shows the noise level start to pick up from early spring.

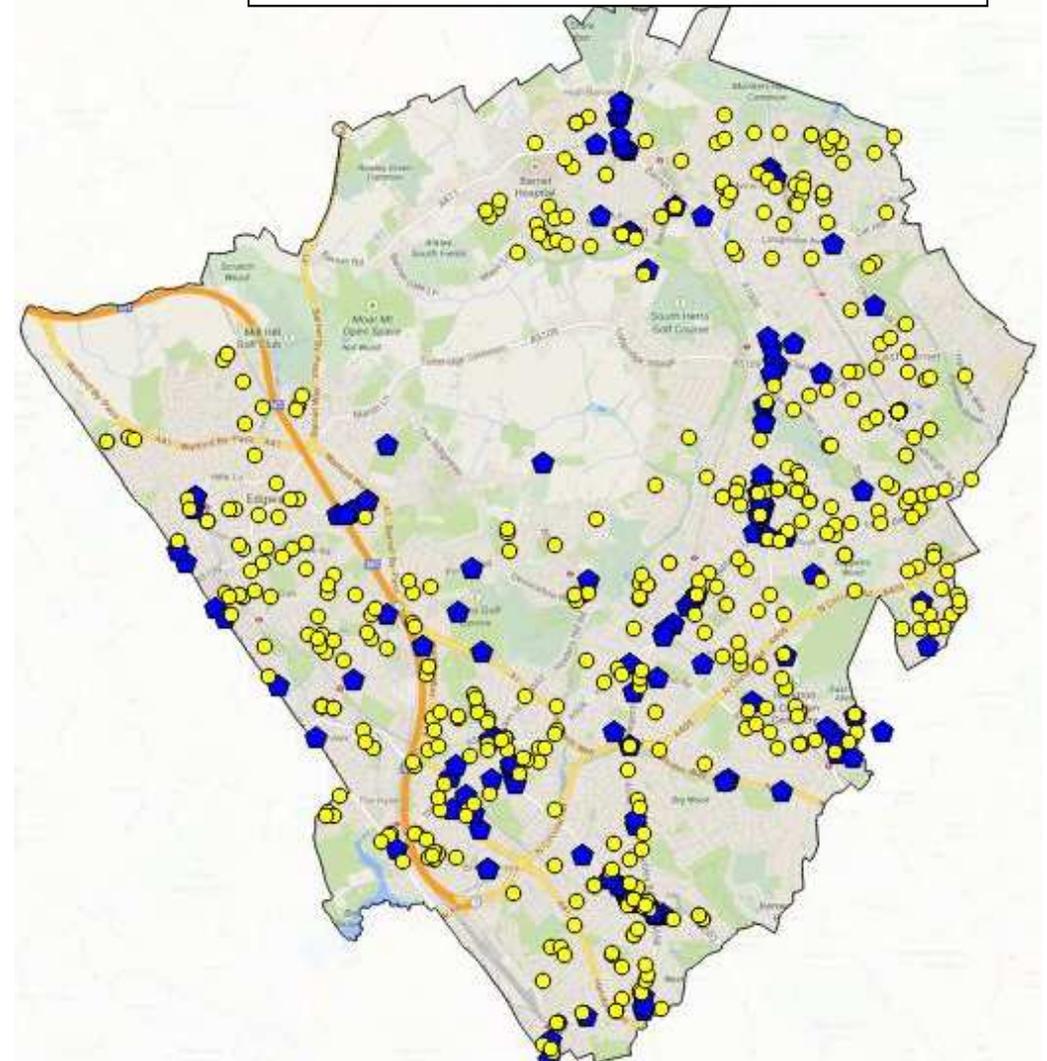
Crime

In contrast, licensed premises in general have some impact on crimes in the borough; for example in N20, the number of crimes recorded at this venue is almost the same as its number of licensed premises. HA8, EN5 NW9, NW11 and NW4 have the highest number of licensed premises, these areas also suffers from high volume of alcohol related crimes.

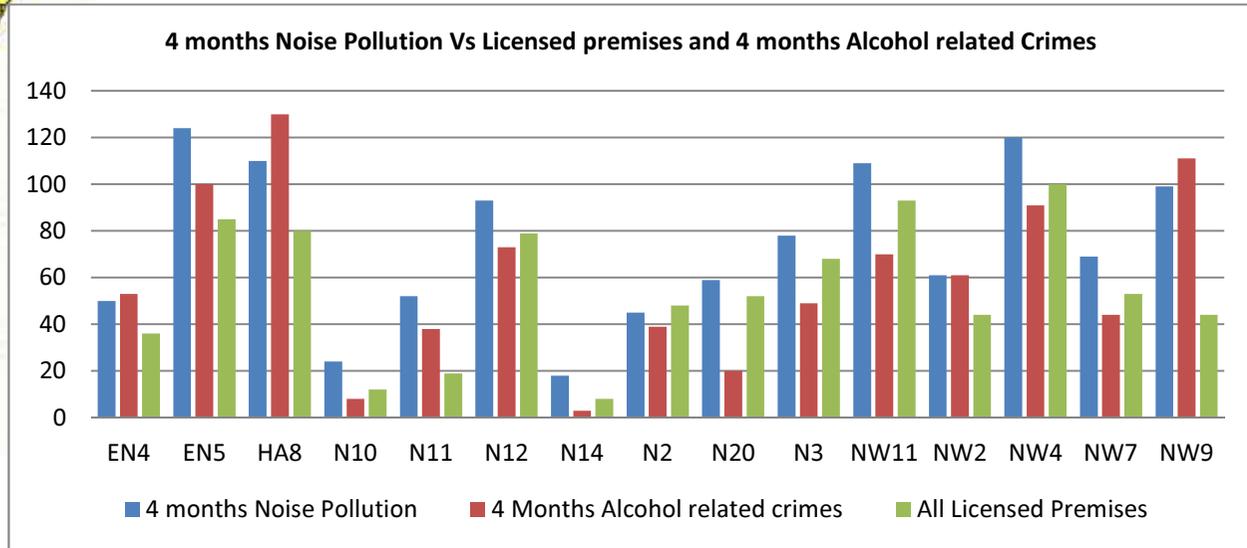
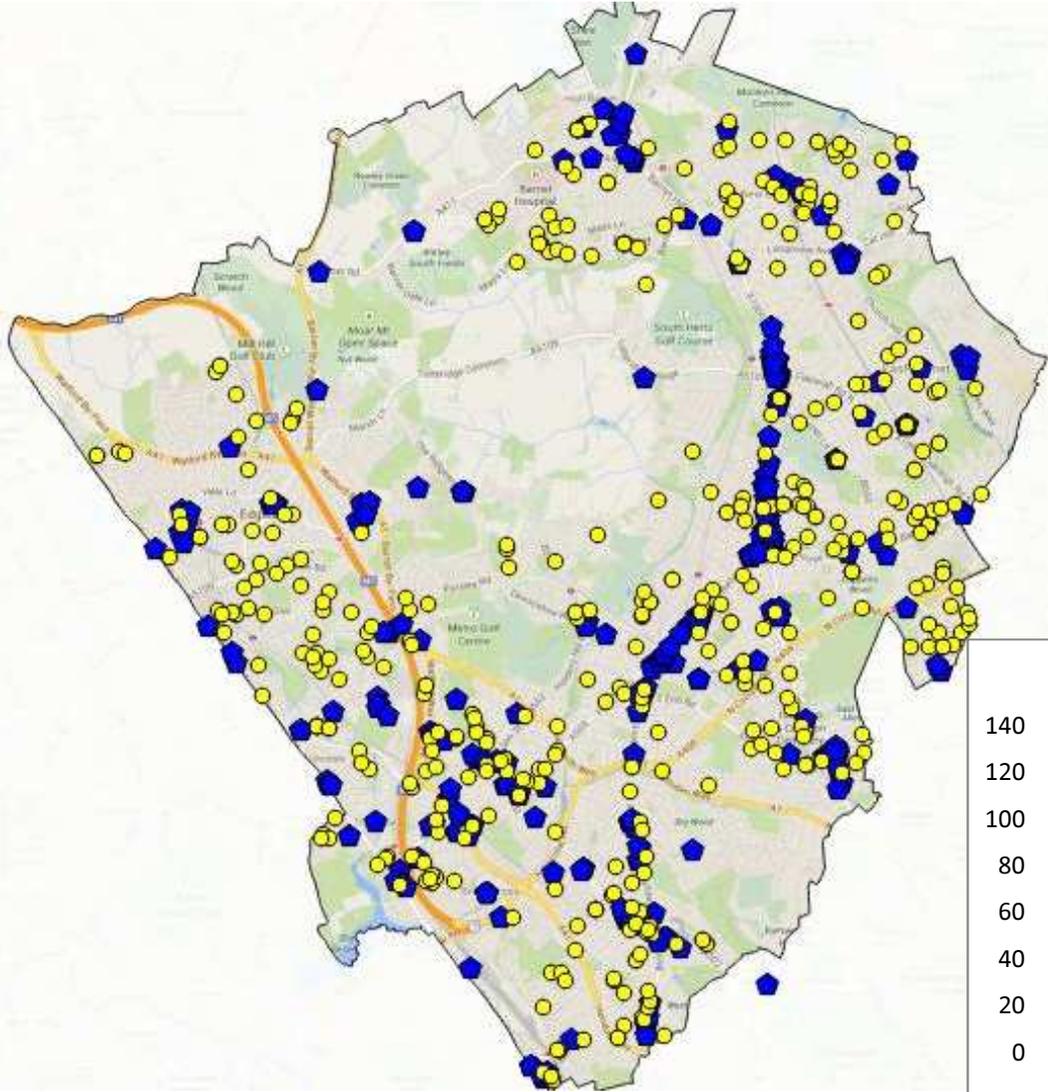
Plots of hotspot areas in relation to complaints of Noise including noise from bars and pubs overlaid on grouping of towns Off Premises



Plots of hotspot areas in relation to complaints of Noise including noise from bars and pubs overlaid on grouping of towns known On Premises



Plots of hotspot areas in relation to complaints of Noise including noise from bars and pubs overlaid on grouping of towns On and Off Premises – “Both”



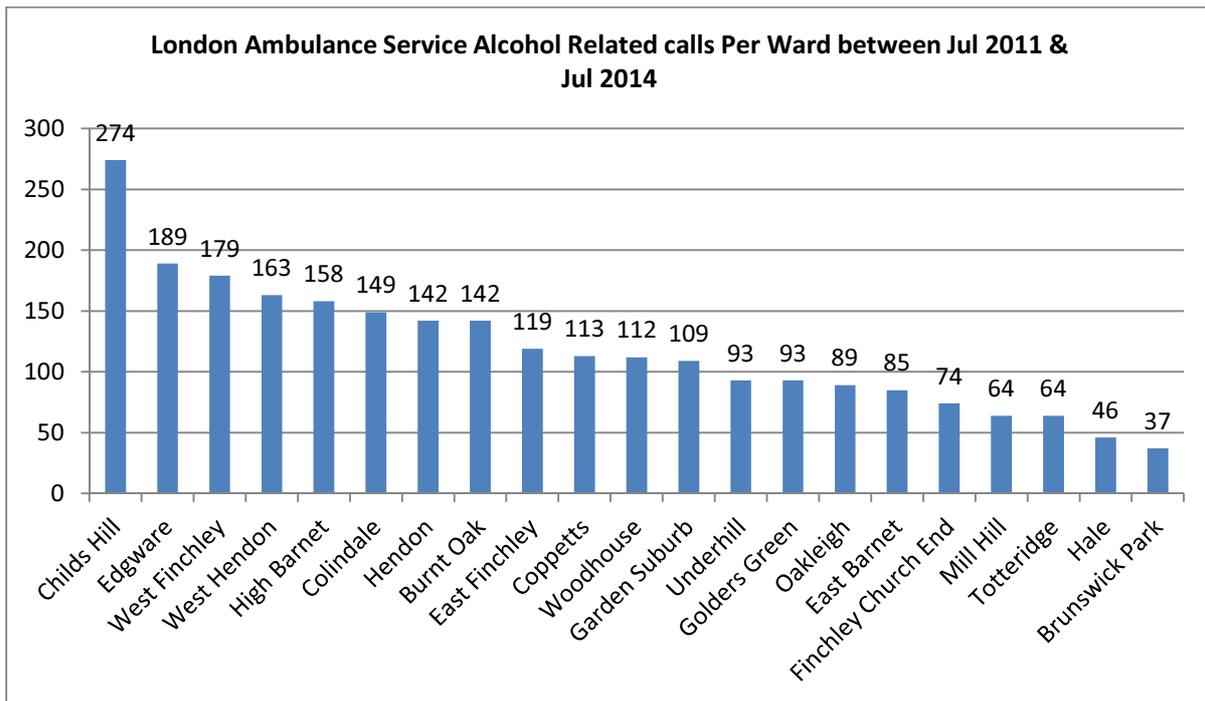
Impact to London Ambulance Service - LAS

The data of Alcohol related calls¹² to LAS in Barnet borough between July 2011 and July 2014, shows 2494 calls were made, this is 3% of all alcohol related calls made in London. The graph below shows the number of calls made to LAS per ward in Barnet. This gives some indications that, the areas identified as the borough hotspots for licensed premises comprise a high volume of alcohol related calls to LAS. For example; NW11, NW2, NW3 and NW4 are Childs Hill postcodes.

Noticeable NW11 and NW4 are prime areas for On-Premises; this gives indication that people are likely to get drunk in pub/bars in these areas. Males are likely to involve in alcohol misuse than females.

Alcohol has a significant impact on ambulance operations in Barnet and is linked to upsurge in 999 calls, as well as incidents of abuse and assault on ambulance crews, 2% of alcohol related patients in Barnet were violent towards the ambulance crews.

The highest numbers of life threatening emergency calls made to LAS were alcohol related and this is 43% or 94413. Alcohol related calls have increased by 4% compared to the same previous year. Calls to LAS peak time spread across the day but high concentration from 1500hrs to 0300hrs especially at midnight. In almost all of these emergencies calls; alcohol is the factor and often violence is involved.

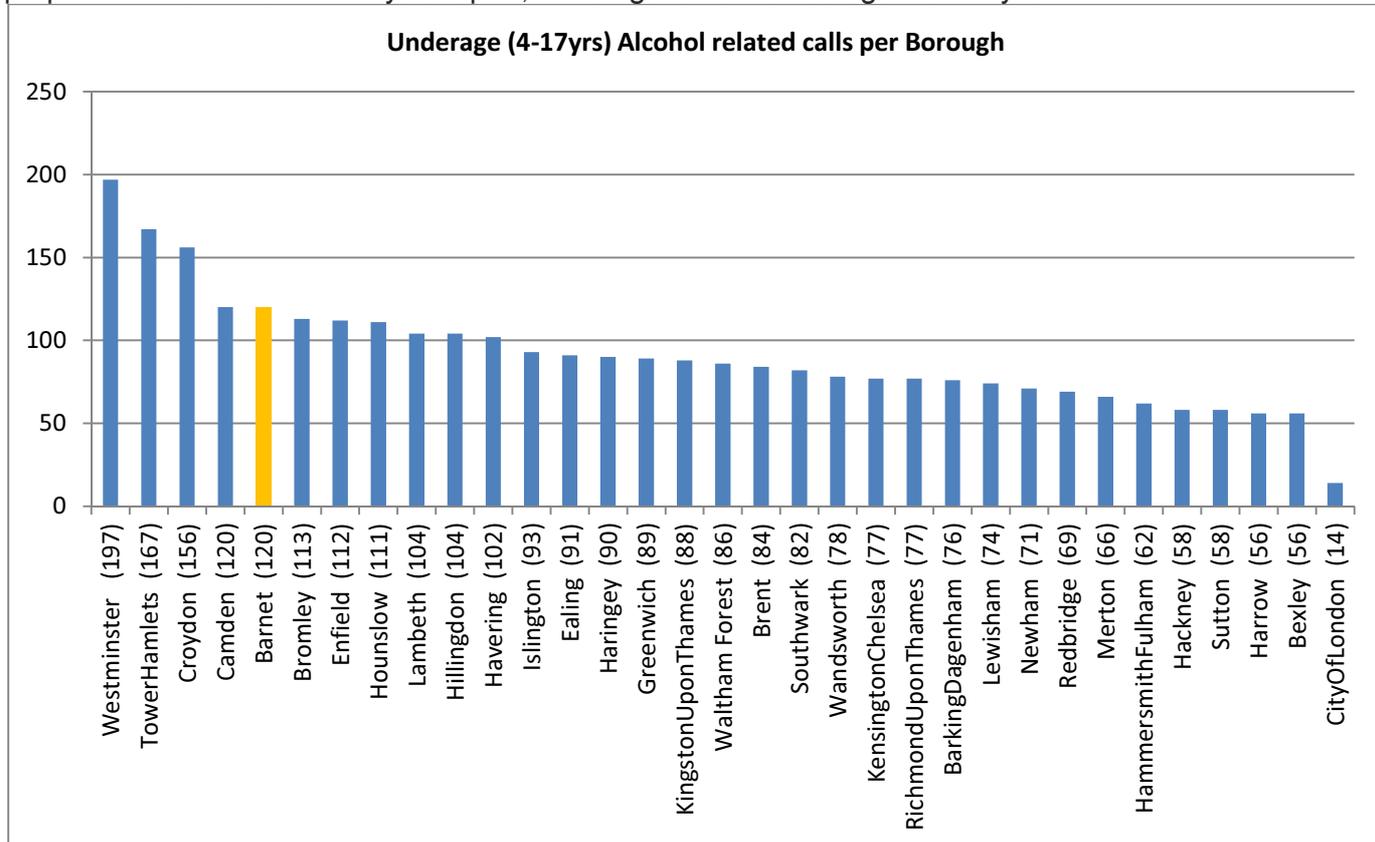


The table below shows London Boroughs number of alcohol related calls made to London Ambulance Service. LAS calls' figures show Westminster in the top league, this figure is expected because Westminster is considered as one of the busiest boroughs in terms of socialising and businesses. Camden is second in the league and London Borough of Barnet is number 17th in the table of alcohol related calls to London Ambulance Service.

Rank	Boroughs	Number of alcohol related calls to LAS between Jul 2011 – Jul 2014
1	Westminster	10161
2	Camden	5579
3	Lambeth	5057
4	Southwark	4708
5	Ealing	3653
6	Hackney	3366
7	Brent	3360
8	Croydon	3347
9	Islington	3265
10	Tower Hamlets	3176
11	Newham	3126
12	Wandsworth	3063
13	Lewisham	3025
14	Haringey	2860
15	Hillingdon	2598
16	Hammersmith Fulham	2582
17	Barnet	2494
18	Waltham Forest	2445
19	Redbridge	2423
20	Kensington Chelsea	2308
21	Hounslow	2246
22	Greenwich	2172
23	Havering	2097
24	Enfield	1969
25	Merton	1690
26	Kingston-upon-Thames	1688
27	Bromley	1648
28	Harrow	1606
29	Barking Dagenham	1566
30	City Of London	1488
31	Richmond Upon Thames	1264
32	Sutton	1209
33	Bexley	1174

Underage drinking

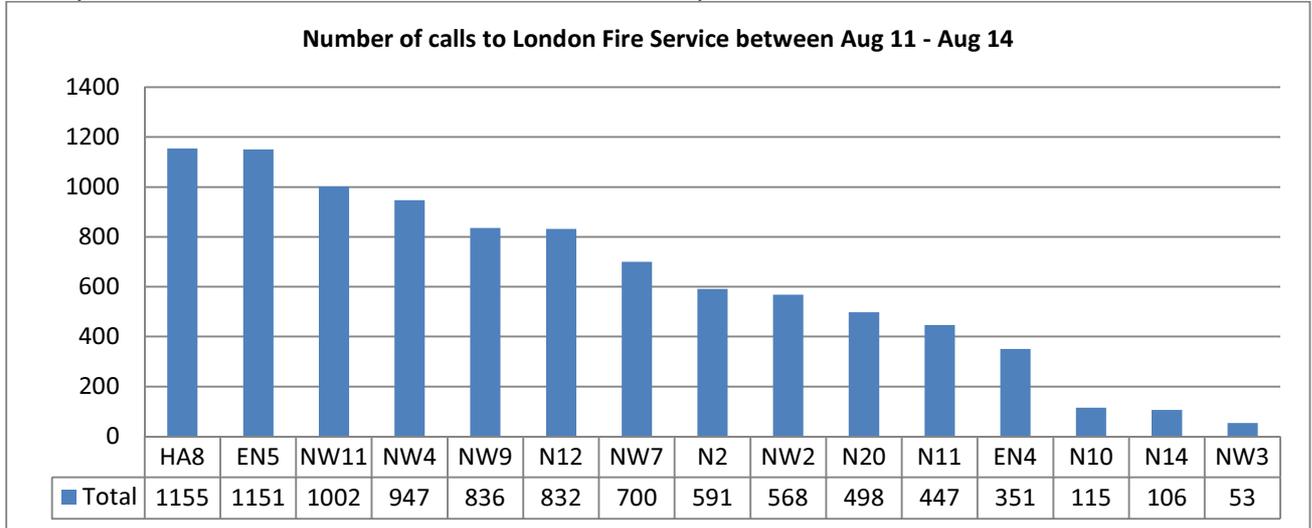
The graph below shows the number of underage drinking calls made to LAS. For the purpose of this research analysis report, underage is defined as age 4 to 17 years old.



Alcohol consumption is the medicine of choice among youths. Many young people are experiencing the consequences of drinking too much and at too early age, as the graph above illustrate. As a result, underage drinking is one of the leading public health problems in UK. In Barnet borough alone 4% of calls to LAS associated with underage drinking.

Impact on London Fire Service

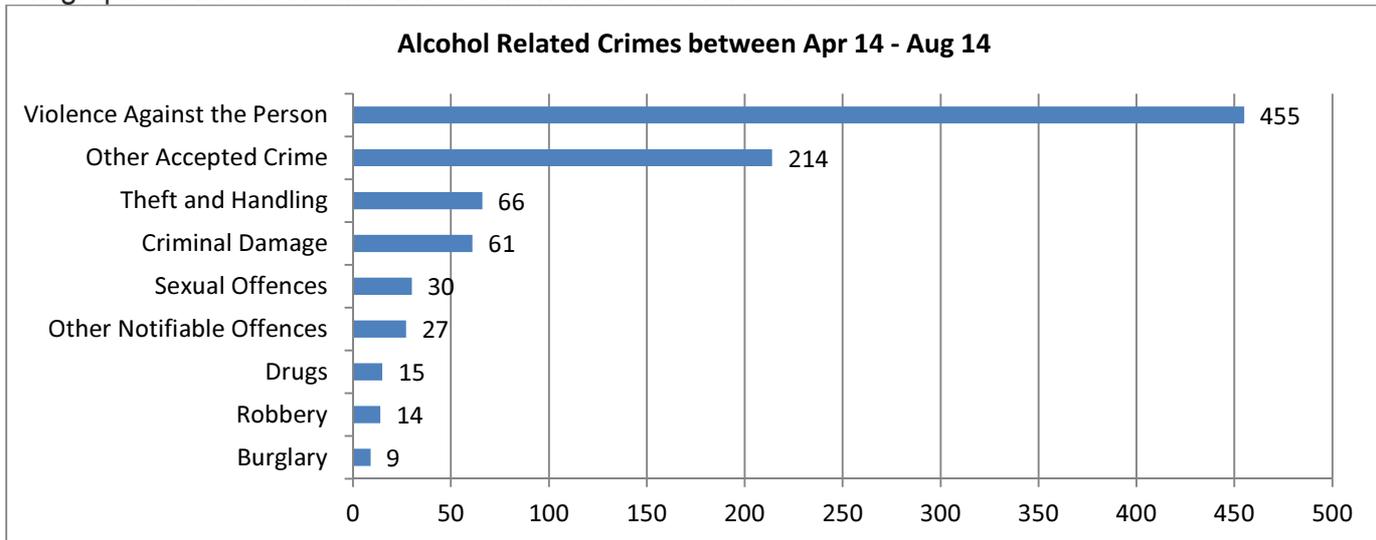
Although there is no direct links between the density of licensed premises and the number of calls to London Fire Service, however there does seem to be a pattern in the number of calls and number of licensed premises. All top-5 postcodes in Licensed Premises table interlinked the top 5 of number of calls to the Fire Service¹³ except N12 and NW9.

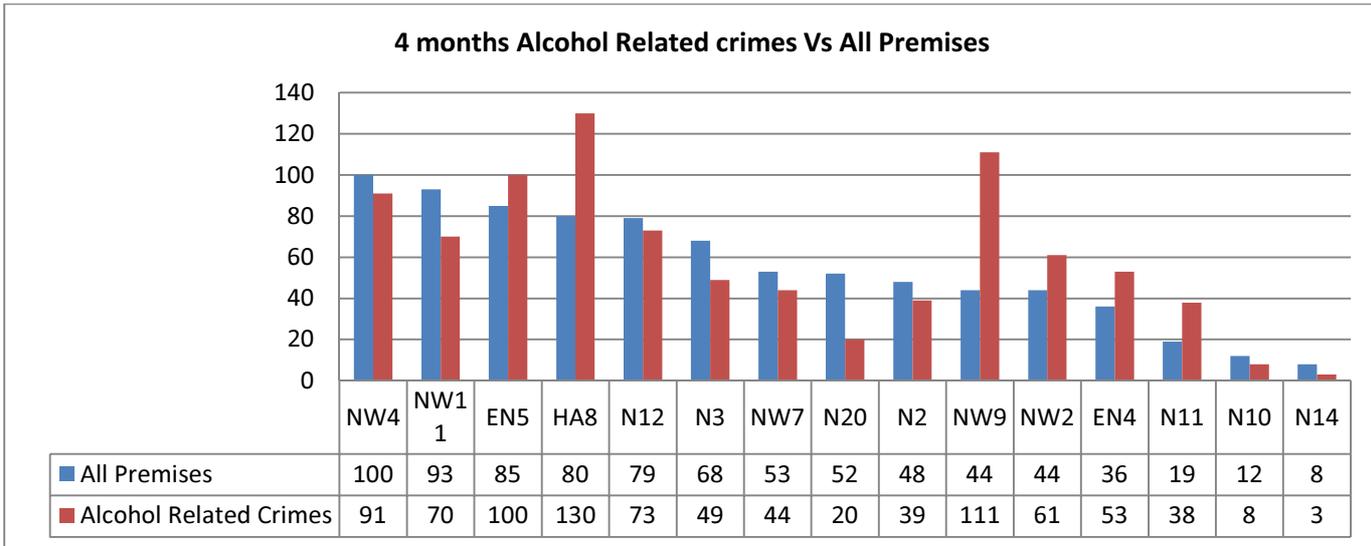


Metropolitan Police Service¹⁴

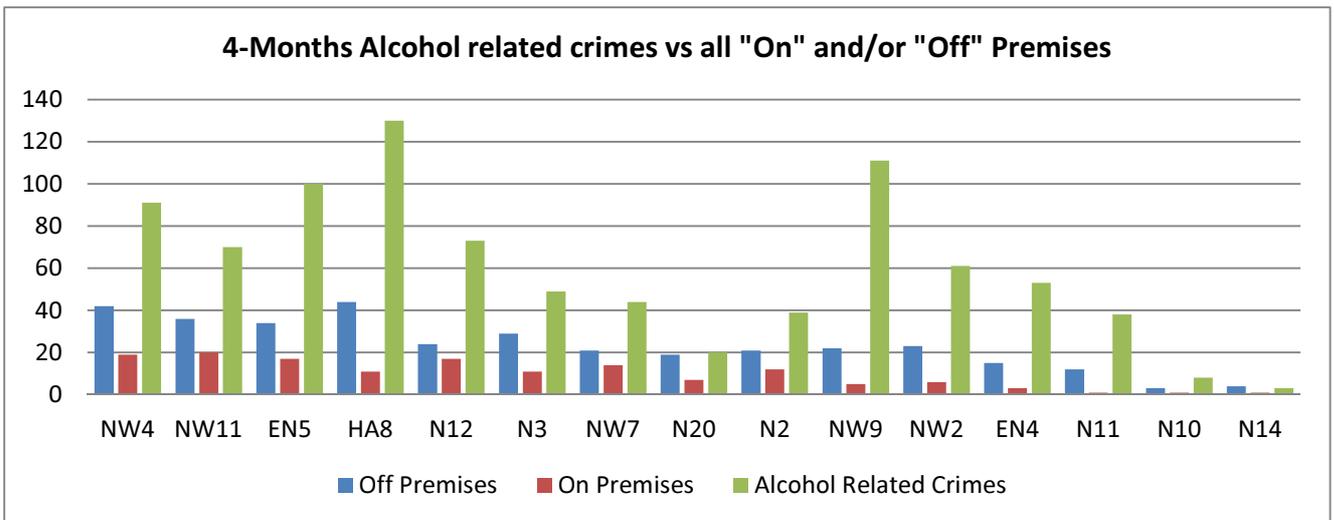
There seems to be a link between alcohol and some levels of offending in the London borough of Barnet, for instance; a four-month datasets (April 2014 to August 2014) shows that 891 alcohol-related crimes were recorded by the Met Police. 51% or 455 of these relates to Violence Against the Person (this includes: Assault with Injury, Common Assault, Harassment, Offensive Weapon, Other Violence and Serious Wounding). Other Accepted Crime where alcohol is flagged is 24%, Theft and Handling is 7%, Criminal Damage is also 7%.

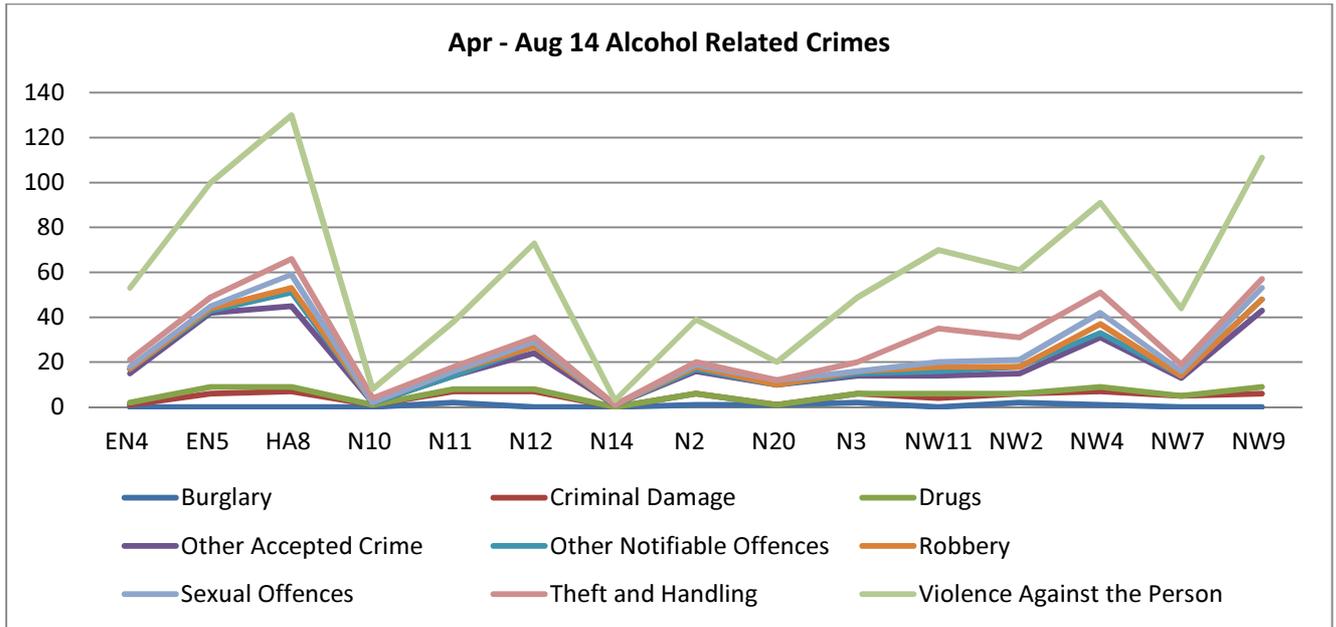
The graph shows the breakdown of 4 months alcohol related crime





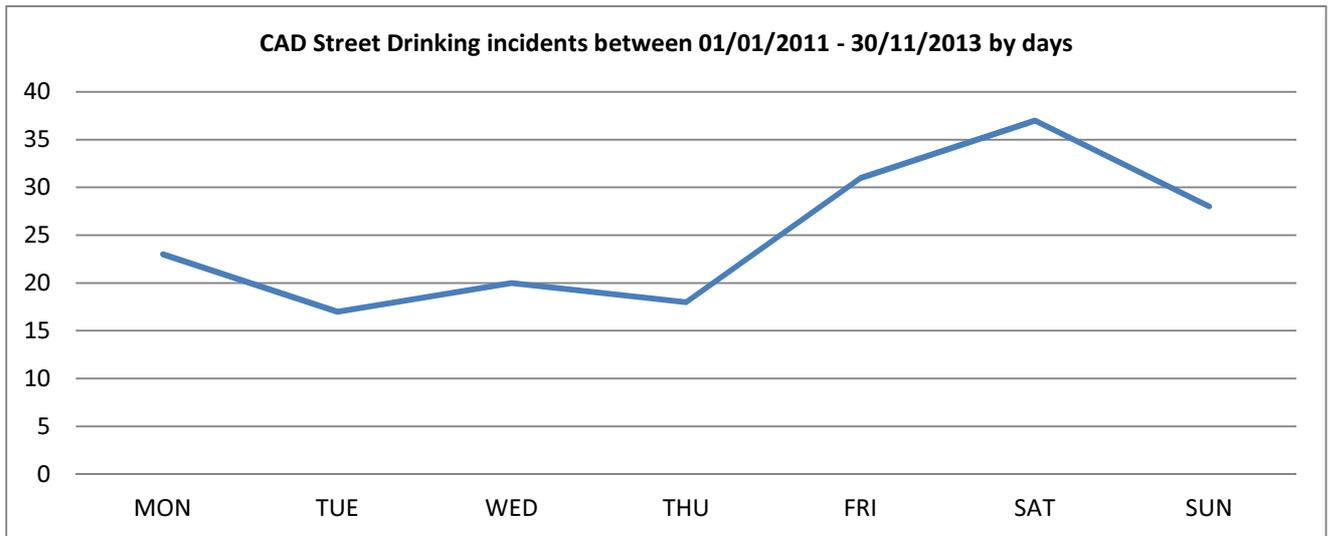
The graph above shows all premises with the number offences in which the consumption of alcohol is thought to have played a role of some kind in the committing of the offence, usually in the sense that the offender was under the influence of alcohol at the time. The above graph reveals that the cluster of all premises plays significant impact on crimes. The higher number of licensed premises in any particular postcode; the higher the number of crimes recorded in the area. An example is HA8 and NW9 – these two postcodes are in a close proximity with highest number of alcohol related crimes.

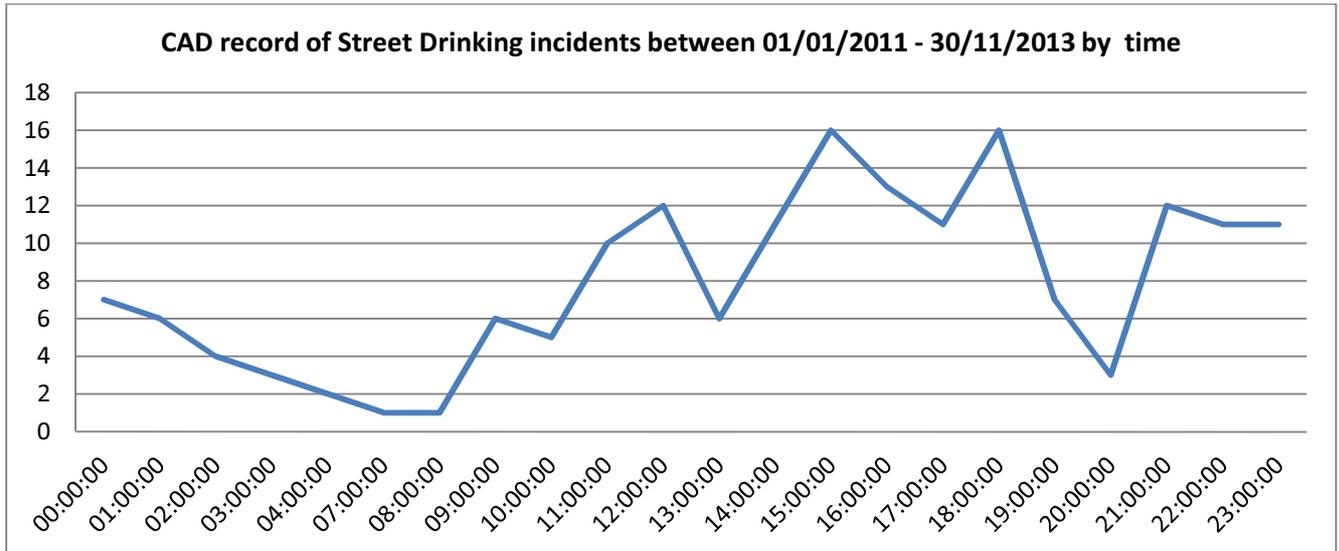




Street Drinking

The graph below is the number of Metropolitan Police CAD (Computer Aided Dispatch) calls¹⁵ relating to street drinking, between 1st Jan 2011 to 30th November 2013





The above graph shows the number of the Metropolitan Police CAD (Computer Aided Dispatch) calls¹⁶ of street drinking between 01/01/2011 – 30/11/2013

Conclusion

Alcohol does appear to be having a negative impact on the borough.

Changing the nature of where we buy and consume alcohol may have a positive impact on the risk of harms to people.

London Ambulance Service to enhance the process of recording alcohol-related admissions in hospitals and A&E departments, as this will create a clearer picture of the level of crisis caused by alcohol misuse and will improve in the under-representation of the true picture of harms impacting on people (especially under age) suffering from alcohol misuse.

References

¹ Mirror Newspaper website <http://www.mirror.co.uk/money/personal-finance/average-prices-pint-beer-across-2234409>

² My Supermarket website http://www.mysupermarket.co.uk/#/brands/stella_artois_in_tesco.html

³ British Beer and Pub Association <http://www.beerandpub.com/statistics>

⁴ http://en.wikipedia.org/wiki/London_Borough_of_Barnet

⁵ <http://www.barnetobservatory.info/> (user access is required, datasets from Change => Spatial Level)

⁶ <http://alcoholresearchuk.org/special-reports/licensing-statistics-2013/>

⁷ Data from Acolaid as at Apr 2014

⁸ Figures from Acolaid Apr2014 "Alcohol Licensing data.xls"

⁹

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/116655/dpr26.pdf

¹⁰ <http://www.alcoholconcern.org.uk/campaign/statistics-on-alcohol>

¹¹ Data from Acolaid Report between 27/08/2011 – 28/08/2014. Filename "ASB.xls"

¹² www.lass.london.gov.uk London Ambulance Service data - filename - LAS_all_borough 0911.xls

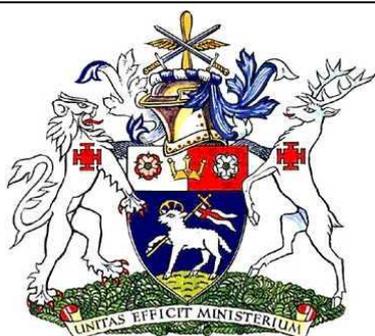
¹³ www.lass.london.gov.uk London Fire Brigade data - filename - LFB_all_borough 0911.xls

¹⁴ Data obtained from Metropolitan Police Service

¹⁵ Figures from the Metropolitan Police Service

¹⁶ Figures from the Metropolitan Police Service

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Licensing Committee 24th November 2014

Title	Review of the Licensing Policy
Report of	Strategic Director Growth & Environment
Wards	All
Status	Public
Enclosures	Appendix 1 – Proposed licensing policy Appendix 2 – Summary of changes Appendix 3 - Responses to consultation
Officer Contact Details	Emma Phasey Trading Standards and Licensing Manager Emma.phasey@barnet.gov.uk

Summary

The Licensing Act 2003 places a responsibility on all licensing authorities to publish a licensing policy every 5 years. The Council, being a licensing authority, has a current policy which came into effect from January 2011. This report seeks approval from the Licensing Committee on the proposed policy to take effect from 1st January 2015, subject to full Council approval.

Recommendations

- 1. That the proposed Licensing Policy be approved and recommended for adoption by full Council at its meeting on 16th December 2014, to take effect from 1st January 2015 .**

1. WHY THIS REPORT IS NEEDED

Pursuant to the Licensing Act 2003 ('the Act'), the Council is the licensing authority with responsibility for issuing licences under the Act for licensable activities in the Borough.

There are currently approximately 1000 licensed premises in the Borough.

In accordance with the Act, the Council must prepare, consult on and publish a Licensing Policy which it proposes to have regard to when exercising relevant functions. In exercising its functions, licensing authorities must have also have regard to the statutory guidance issued by the Home Office. The latest version of this guidance was published in October 2014.

The proposed new policy is attached at Appendix 1. A 6 week consultation has been under taken on this policy which finished on the 7th November 2014.

The consultation document was sent to the police, public health, the fire authority, persons/bodies representative of local holders of premises licences, persons/bodies representative of local holders of club premises certificates and persons/bodies representative of local holders of personal licences. It was also sent to all Councillors, all responsible authorities, and certain organisations working with problem drinking.

The policy must be kept under review by the licensing authority and may be changed at any time after adoption (after further consultation), and must be renewed at intervals of not less than five years

The proposed draft policy for agreement post consultation can be found in Appendix 1. A matrix of the main changes to the policy can be found at Appendix 2

One reply was received in connection to this consultation which is attached to this report in Appendix 3. They had no specific comments on the policy.

The Committee are respectfully requested to approve the Policy and recommend that it be adopted at the meeting of the full Council on 16 December 2014.

2. REASONS FOR RECOMMENDATIONS

In accordance with the Act, the Council must prepare, consult on and publish a Licensing Policy which it proposes to have regard to when exercising relevant functions. In exercising its functions, licensing authorities must also have regard to the statutory guidance issued by the Home Office. The latest version of this guidance was published in October 2014.

The consultation finished on the 7th November 2014 and subject to that the Policy was to be revised before coming before this committee for approval. All replies (only one) to the consultation have been taken into account and the policy, which has not needed any revisions as a result, is submitted to this Committee for approval. The one reply to the consultation is attached to this report at Appendix 3.

The Committee are respectfully requested to approve the Policy and recommend that it be adopted at the meeting of the full Council on 16th December 2014

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

The Licensing Committee could decide not to accept the proposed amendments to the Licensing Policy. However there have been a number of changes to the Licensing Act in the past few years which has resulted in the amended policy. If this policy is not accepted then the previous policy will continue to be used which does not take account of these legislative changes.

4. POST DECISION IMPLEMENTATION

If approved by the Committee, the Committee is asked to recommend that the Policy be adopted at a meeting of the full Council on 16th December 2014, for implementation from 1st January 2015.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

The licensing authority is required by the Act to carry out its functions under the Act with a view to promoting the licensing objectives: the prevention of crime and disorder, prevention of public nuisance, protecting children from harm, and public safety. The Licensing Policy supports these and the

licensing authority must have regard to it when carrying out its licensing functions. These contribute to the corporate priority of Barnet being 'An attractive and successful London borough where people want to live' and to meet the strategic objective to "improve the satisfaction of residents and businesses with the London Borough of Barnet as a place to live, work and study" thereby helping ensure that the Borough maintains the right environment for a strong and diverse local economy.

The policy supports the Sustainable Community Strategy 2010-2020 in relation to helping create a successful London Suburb

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

Administration and enforcement of the Licensing Act will be carried out by the Licensing Team. Governance Services also support this by arranging and co-ordinating arrangements for hearings where there are objections/representations. Legal Services (HB Public Law) also provide legal support for the hearings. The activities as part of the policy will be met from existing budgets. All activities in relation to the revising of and consultation on this policy are also covered within existing budgets.

5.3 Legal and Constitutional References

It is a statutory requirement under section 5 of the Licensing Act 2003 for a licensing authority to publish a statement of licensing policy every five years, but also to keep its policy under review during the five year period and make such revisions to it, at such times as it considers appropriate.

The Council's Constitution, at Annex A to the Responsibility for Functions section, delegates to the Licensing Committee:

"All functions under the Licensing Act 2003 and the Gambling Act 2005 associated Regulations, not otherwise delegated to the Licensing Sub-Committee."

Additionally, and as confirmed by Article 4 of the Constitution, it is a statutory requirement that adoption of the statement of Licensing Policy is by full Council, and hence the Committee is asked to refer the policy (if approved) to the next Council meeting on 16th December 2014.

5.4 Risk Management

Failure to review and adopt a licensing policy would be a breach of the Licensing Act 2003 and would place the Council at risk of challenge.

The adoption of an unsound policy may result in a challenge to its lawfulness and the possibility of poor licensing decisions being taken and could cause difficulty to businesses, residents and responsible authorities and could adversely affect the Council's reputation.

5.5 Equalities and Diversity

- 5.5.1 Pursuant to the Equality Act 2010 (“the Act”), the Council has a duty to have ‘due regard’ to eliminating unlawful discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; advancing equality of opportunity between persons with a protected characteristic and those without; and foster good relations between persons with protected characteristics and those without.
- 5.5.2 The ‘protected characteristics’ are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnership but to a limited extent.
- 5.5.3 An initial equalities impact assessment has been completed which did not identify any impact on any of the protected groups. Therefore a full equalities impact assessment is not required.

5.6 Consultation and Engagement

The 6 week consultation finished on 7th November 2014. All replies have been taken into account and the policy is submitted to this Committee for final approval. Only one reply was received in connection to this consultation which is attached to this report in Appendix 3, but no changes were needed to the policy as a result of this response.

In accordance with the statutory requirements the consultation document was sent to the police, the fire authority, public health, persons/bodies representative of local holders of premises licences, persons/bodies representative of local holders of club premises certificates and persons/bodies representative of local holders of personal licences. It was also sent to all Councillors, all responsible authorities, and certain organisations working with problem drinking.

6. BACKGROUND PAPERS

Guidance issued under section 182 of the Licensing Act 2003 (October 2014)
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

STATEMENT OF LICENSING POLICY LONDON BOROUGH OF BARNET

January 2015

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1. INTRODUCTION

- 1.1 The London Borough of Barnet has produced this Licensing Policy Statement in accordance with the provisions of the [Licensing Act 2003](#) and the guidance issued under Section 182 by the Department of Culture Media and Sport.
- 1.2 The aim of this licensing policy is to set out how the Council, as licensing authority, will seek to meet the four licensing objectives and has been devised based on best practice.
- 1.3 This policy succeeds the Council's Licensing Policy statement dated January 2011 and whilst subject to on-going review will be in force for a period of 5 years from January 2015.

1.4 Scope

1.4.1 The sale and supply of alcohol, the provision of regulated entertainment, and of late night refreshment play a key role in our economy and society and are activities which takes place throughout the Borough. How the Council deals with this issue will impact on many residents and businesses.

1.4.2 The licensing policy will form an important part of the development strategy for the Borough and will work in concert with:

- The Council's Enforcement Policy
- [The Human Rights Act 1998](#)
- [Crime and Disorder Act 1998](#)
- [Equality Act 2010](#) and other anti-discrimination legislation,
- [Guidance](#) issued by the Home Office on behalf of the Secretary of State under section 182 Licensing Act 2003
- Home Office Safer Clubbing Guide www.drugs.gov.uk
- Metropolitan Police Service publication Controlled Drugs and Weapons in Licensed premises
- [The Mayor's London Ambient Noise Strategy](#)
- [Police Reform and Social Responsibilities Act 2011](#),
- [Live Music Act 2012](#)

The above is not an exhaustive list.

1.4.3 The licensing policy has 3 main purposes:

- To inform licence applicants of the parameters under which the Council will make licence decisions, and therefore how a licensed premises is likely to be able to operate within an area. However each case must be examined on an individual basis.
- To inform residents and business of the parameters under which the Council will make licence decisions and therefore how their needs will be addressed.
- To reinforce the elected Members on the licensing Committee, the powers of the Council and the limits of those powers, and to provide them with parameters under which to make decisions.

1.4.4 As the Licensing Authority the Council is empowered under the Act to grant, review, vary, suspend or refuse premises licences, club premises certificates, personal licences and deal with temporary event notices in the Borough. The licensable activities dealt with by the licensing authority and set out in the act are as follows:

- The sale by retail of alcohol
- Supply of alcohol to club members
- Provision of “regulated entertainment” – to the public, to club members or with a view to profit. This includes the;
 - Performance of a play
 - Exhibition of a film
 - Indoor sporting events
 - Boxing or wrestling entertainment
 - Performance of live music
 - Playing recorded music
 - Performance of dance

- The provision of late night refreshment being the supply of hot food and/or drink from any premises between 11pm and 5am.

1.4.5 The Act divides licences into premises licences for the building and personal licences for each licensee.

2. OBJECTIVES

2.1 The Council will carry out its various licensing functions so as to promote the four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance, and
- The protection of children from harm

2.2 To achieve these objectives the Council will use a full range of measures including its planning, transport, crime and disorder policies and powers together with its duties to protect children. The Council will work closely with the Police, the Fire Authority, the remaining Responsible Authorities, local businesses, community representatives and local people to meet these objectives.

2.3 A Responsible Authority details are shown in Appendices 3

2.4 The Council as a licensing authority is now included in the list of responsible authorities under the Licensing Act 2003.

2.5 The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes.

- 2.6 The Council as a Licensing authority is not expected to act as responsible authorities on behalf of other parties (for example, local residents, local Councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these bodies have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.
- 2.7 It is also reasonable for the Council as a licensing authority to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.
- 2.8 Nothing in this policy will prevent every licence application being considered on its own merits. However the Council will not ordinarily treat the following considerations as justifiable reasons to divert from this policy:
- That the premises are well managed
 - That the applicant is of good character
 - That the premises, or the capacity, or the size of the increase applied for, is small.

3. POLICY CONSIDERATIONS

- 3.1 In determining a licence application the overriding principle will be that each application will be determined on its individual merits.
- 3.2 Nothing in the Licensing Policy will:
- Undermine the rights of any person to apply the 2003 Act for a variety of permissions and have the application considered on its individual merits.
 - Override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act.
- 3.3 The decision taken by the Council will be focused on matters that are within the control of the individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. The Council will focus on the direct impact of activities taking place at the licensed premises on both adults and children living in, working in or visiting the area concerned.

- 3.4 In taking its decisions, the Council will take into account the fact that licensing law is not the primary mechanism for the control of nuisance and anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned. Nonetheless, licensing law will be part of a holistic approach to the management of the evening and night-time economy in town and city centres
- 3.5 Licence conditions imposed will be relevant to the individual application and those appropriate to meet the licensing objectives. Licence conditions will not be imposed where other regulatory regimes, such as fire safety legislation, provide sufficient protection for patrons and other members of the public.
- 3.6 Individual applicants are expected to address the licensing objectives in their Operating Schedule within the context of the nature of the location, type of premises, regulated activities to be provided, operational procedures and the needs of the local community (see section 15 – Operating Schedules - later).
- 3.7 Appropriate weight is given to all relevant representations made to the Council. This does not include those representations which are considered to be frivolous, vexatious or repetitious, which will be disregarded.
- 3.8 In forming this policy the Council has consulted the parties stipulated in Appendix 2. Before determination of this policy adequate weight has been given to the responses received.

4. INTEGRATING STRATEGIES & AVOIDING DUPLICATION

- 4.1 The Council recognises the need to avoid, so far as possible, duplication of the existing legislation and other mechanisms to deal with any environmental or other impacts on the leisure economy such as;
- Planning controls
 - Positive measures to create a safe and clean town centre environment
 - Powers of the Council to designate public places where the consumption of alcohol is not permitted
 - Police enforcement of disorder and anti-social behaviour
 - Prosecuting of personal licence holders and staff selling alcohol to those underage.
 - Police and the Council's powers to close down instantly any licence premises on the ground of disorder or likely to cause disorder or excessive noise emanating from the premises
 - Environmental Protection Act 1990
 - Children Act 1989
 - Health and Safety at Work Act 1974 etc.
 - Powers of the police/local residents/businesses ability to seek a review of a licence.
- 4.2 The Council recognises that there should be a clear separation of the planning and licensing regimes in respect of applications to avoid duplication or a re-run of the

planning application process but also recognises that some factors affecting the planning decision may also affect the decision of the Licensing Committee.

- 4.3 The Licensing Authority will arrange for protocols with the Barnet Borough Police to enable them to liaise with the Council's Traffic Manager on the need for the swift and safe dispersal of people from licensed premises to avoid concentrations which can produce disorder and disturbance.
- 4.4 The Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. However, the Authority will normally expect applicants to demonstrate that, their proposed use of the premises is lawful in planning terms, including complying with any conditions that may be imposed upon a planning consent, prior to applications under this Act being submitted. Nevertheless, the Council recognises that it is permissible for applications for licences to be made before any relevant planning permission has been sought or granted by the planning authority.
- 4.5 As outlined at paragraph 13.56 of the Consolidated Guidance issued under Section 182 of the Licensing Act 2003 (October 2012 version), there are also circumstances when as a condition of planning permission a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant **MUST** observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.
- 4.6 We will monitor the impact of the licensing policy.

5. APPROACH TO LICENSING APPLICATIONS

- 5.1 When exercising its licensing functions the Council will not be influenced by the question of need. The question of whether or not there is a need for any particular premises is a commercial matter which is not relevant to the Council's considerations. The issue of need may be a matter for planning consideration or for the market to decide and does not form part of this licensing policy statement.
- 5.2 The statutory guidance will be taken into account in relation to the issue of cumulative impact and the hours of operation:

6. RISK ASSESSMENT

- 6.1 The Council recommends that all applicants carry out sufficient risk assessments for the activities on their premises, and that the findings are put into practice. The Council encourages applicants to carry out an assessment of the likely impact of the activities to be carried on at the premises, with a view to identifying any control measures that may be appropriate.
- 6.2 The Council encourages applicants to send risk assessments as well as any other supporting documentation with the application.

6.3 The Council reminds the applicant that it is not the function of the responsible authority to endorse any such assessments and encourages applicants and event organisers to seek advice about control measures.

7. PUBLIC SAFETY

7.1 The Act covers a wide range of premises that require licensing including: cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants, members clubs, fast food outlets and other entertainment venues. Each type of these premises present mixtures of risks with are common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted so as to safeguard occupants by minimising these risks.

7.2 The Council will expect operating schedules to satisfactorily address public safety issues and applicants are advised to seek appropriate Health and Safety advice and consult the London Fire and Emergency Planning Authority before preparing their plans and schedules.

7.3 Applicants are reminded that any performers are also members of the public and as such their safety should be specifically addressed in operating schedules.

7.4 Where door supervision is in operation, supervisors must be registered with the Security Industry Authority. The Council strongly recommends that a record of SIA registered staff on duty in this capacity is maintained on the premises and that an incident report book is maintained. Both of these records should be available for inspection at all reasonable times by authorised officers of the Council or a Police Officer.

7.5 Where appropriate, the Council will attach conditions to the licences and permissions that promote public safety.

7.6 Health Considerations of Licensing

7.6.1 Health bodies are now responsible authorities as identified by the Act and as such are notified of all new premises applications to which they can make representations. Their representations must however still be relevant to the existing statutory licensing objectives.

7.6.2 The Health body will be particularly useful in providing evidence of alcohol-related health harms when the licensing authority revises its policy. PCTs/DPHs may also be useful in providing evidence such as alcohol-related A & E admissions or ambulance service data that might be directly relevant to an application under the Act.

8. PROTECTION OF CHILDREN FROM HARM

8.1 The wide range of premises that require licensing means that children can be expected to visit them. Children will wish to visit premises which are licensed and

may or may not be accompanied by an adult. In general it is the view of the Council that the question of whether children will be admitted to any premises should be left to the discretion of the licence holder who, where there may be risks, will take adequate steps to protect them from harm. However, applicants should consider the following points when drawing up their Operating Schedule.

8.2 The Council will take strong measures to protect children from physical, moral or psychological harm where for example:

- Any licence holder or employee has been convicted of serving alcohol to minors or the premises have a reputation for underage drinking.
- Premises where there is evidence of an association with drug taking or drug dealing.
- Gambling takes place on the premises, except for the provision of a small number of cash prize machines. (The Council expects all premises which have gambling on the premises to have read its policy on Gambling licensing in relation to this exemption for small cash prize machines)
- Whenever entertainment or services of an adult nature or sexual nature are provided.
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

8.3 The Council will rarely impose licence conditions that simply exclude children. Where it is considered that the protection of children from harm requires conditions to limit their access to any premises, the Council will consider options such as:

- Limitations on the hours when children may be present.
- Limitations on ages below 18.
- Limitations or exclusion when certain activities are taking place.
- Requirements for the accompanying adult.
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

8.4 It is strongly recommended that applicants, where appropriate, address the access of children to the premises in their Operating Schedule and that they state the time after which children will not be admitted to premises serving alcohol for consumption on or off the premises. Such cut-off times may be split into age groups.

8.5 The 2003 Act details a number of offences designed to protect children in licensed premises and the Council will work closely with the Police to ensure the appropriate enforcement of the law.

8.6 The Council supports the [Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks](#) and strongly recommends that traders immediately remove any products or display material that is the subject of a Retailer Alert Bulletin.

8.7 The Council strongly recommends that to prevent illegal sales to under-aged persons, licence holders work with a “proof of age scheme”.

8.8 The Council will expect traders to take all reasonable steps to prevent the unlawful sale or supply of alcohol to children. Where persons are found to be in breach of this requirement, strong enforcement action will be taken.

8.9 Showing of Films, Videos etc

8.9.1 In accordance with section 20 of the Act where the exhibition of films is permitted, the specified classification body will normally be the British Board of Film Classifications and the Council will require age restrictions to be strictly complied with in accordance with their recommendations. A mandatory condition will be imposed to this effect. Only in exceptional circumstances will variations of this general rule be considered.

8.9.2 Applicants should make it clear in their Operating Schedule what steps will be taken to ensure that only children of the appropriate age are admitted to exhibitions.

8.10 Children and Public Entertainment

8.10.1 Many children go to see and/or take part in an entertainment arranged especially for them (e.g. children's film shows, dance productions) and additional arrangements are required to safeguard them while they are at the premises.

8.10.2 Where a regulated entertainment is specially presented for children, the Council will require their safety to be specifically addressed in the Operating Schedule.

8.10.3 Applicants are strongly recommended to pay particular attention to all safety issues and in particular to keep gangways and exits free from children and other obstructions during performances.

8.10.4 Where appropriate the Council may attach conditions to premises licences and club premises certificates to prevent harm to children. Such conditions will, as far as possible be drawn from the Model Pool of Conditions. The Council strongly recommends that applicants familiarise themselves with the model conditions in Annex D to the Guidance issued under section 182 of the Licensing Act 2003. The Council will expect applicants to address relevant considerations in their Operating Schedule as these issues will be carefully considered by the Licensing Authority and other responsible authorities.

9. CRIME & DISORDER/ANTI-SOCIAL BEHAVIOUR

9.1 In addition to the requirements for the Council to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in the Borough. The Council also has responsibilities under the Anti-Social Behaviour Act 2003.

9.2 Where appropriate, the Council will attach conditions on premise licences and club premise certificates to deter and prevent crime and disorder, both inside and immediately outside premises. Such conditions will, as far as possible and reflect local crime prevention strategies.

9.3 The Council recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises including (but not limited to):

- Planning controls
- On-going measures to create a safe and clean environment in partnership with local businesses, transport operators and other Council departments.
- Regular liaison with the Borough Police on enforcement issues, including (but not limited to): fixed penalty notices, prosecution of selling alcohol to those underage, confiscation of alcohol from adults and children
- The power of the Police to close down instantly for up to 24 hours any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder or excessive noise from the premises.
- The power of the Police, other responsible authority or a local resident or business to seek a review of the licence or certificate.
- Designation if necessary of parts of the Borough as designated public place order which provides police with greater powers to prevent people drinking alcohol within this zone.

9.4 In considering all licence applications, the Council will consider the adequacy of measures proposed to deal with the potential for crime and public disorder having regard to all the circumstances of the case and will particularly consider the following (which is not an exhaustive list):

- The general management of the premises and the proposed extent and manner of day to day management of the premises.
- Measures to prevent crime and disorder and anti-social behaviour have been taken, such as the use of CCTV or the employment of registered door supervisors
- The likelihood of violence, public disorder or policing problem arising if a licence were granted.
- Measures proposed to prevent the consumption or supply of illegal drugs, including any search procedures,
- If the applicant has previously held a licence within the borough/district and the history of any enforcement action arising from those premises.
- Reports of crime analysis produced by the Barnet Safer Community Partnership/Police Licensing Officer
- Irresponsible alcohol promotion

9.5 In addition to the statutory requirements for plans, applicants should indicate on the plan provided to the Licensing Authority the proposed locations for the display and storage of any alcohol and the locations where sales and/or consumption will take place.

9.6 In order to avoid disruption to businesses during the absence of the Designated Premises Supervisor, the Council strongly recommends that a minimum of one additional member of staff should hold a personal licence. It is considered good practice for personal licence holders who authorise others to sell alcohol to formalise the authorisation process and the Council encourages such authorities to be written in clear and unambiguous terms.

9.7 The Licensing Authority strongly encourages Designated Premises Supervisors and others connected with the retail sale of alcohol to attend meetings supported by the

Council and/or the Borough Police aimed at the reduction of crime and disorder. An example of this would be the Pubwatch Scheme(s).

10. NUISANCE

10.1 In addition to the requirements of the Council to promote the licensing objectives, it also has a duty under the Environmental Protection Act 1990 to do all it reasonably can to prevent nuisance, including noise.

10.2 Applicants for a licence for the provision of late night refreshments for consumption off the premises are reminded under section 93-95 of the Environmental Protection Act the Council may issue a Street Litter Control Notice where there is a recurrent defacement by litter or refuse of the street in the vicinity.

10.3 Where appropriate, the Council will attach conditions to licences and permissions to deter and prevent nuisance. Such conditions will so far as possible and reflect local strategies.

10.4 For all licence applications, the Council will consider the adequacy of measures proposed to deal with the potential for nuisance having regard to all circumstances of the case, and will particularly consider the following:

- The steps the applicant has taken or proposes to take to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment and human voices. Such measures may include sound proofing, air conditioning, acoustic lobbies and sound limitation.
- The steps the applicant has taken or proposes to take to prevent disturbance created by patrons arriving or leaving the premises.

10.5 Live Music, Dancing & Theatre

10.5.1 The Licensing Authority wishes to encourage and promote live music, dance and theatre for the wider cultural benefit of the community particularly for children.

10.5.2 When considering applications for such events and the imposition of conditions on licences, the Council will carefully balance the cultural needs with the necessity of promoting the licensing objectives. The Council would wish to avoid, so far as possible, measures which deter live music, dancing and theatre.

10.5.3 Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where limited disturbance may be caused.

10.5.4 Where appropriate the Council may seek premises licences in its own name for community public spaces and local authority buildings. In this instance, performers and entertainers will not need to apply for a licence themselves to give a performance but would require the Council's permission and supervision as premises licence holders.

10.5.5 The Council will monitor the impact of the licensing on the provision of regulated entertainment, and particularly live music and dancing.

10.5.6 The Live Music Act came into force on 1st October 2012 and is designed to encourage more performances of 'live' music. The Act :

- Removes the licensing requirement for unamplified live music taking place between 8am and 11pm in all venues, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence relating to premises authorised to supply alcohol for consumption on the premises.
- Removes the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised to supply alcohol for consumption on the premises, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence.
- Removes the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces (but not necessarily for workers) not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment).
- Removes the licensing requirement for the provision of entertainment facilities and widens the licensing exemption for live music integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to live or recorded music instead of unamplified live music

10.5.7 In addition the following activities have also been deregulated and therefore NO licence is required when they take place between **08:00-23:00** on any day:

- a performance of a play in the presence of any audience of **no more than 500** people
- an indoor sporting event in the presence of any audience of **no more than 1,000** people
- **most** performances of dance in the presence of any audience of **no more than 500** people
- live music, where the live music comprises of a performance of **unamplified** live music;
- live music, where the live music comprises a performance of **live amplified music in a workplace** with an audience of **no more than 200** people
- live music, where the live music comprises a performance of live music on **licensed premises** (by virtue of a premises licence or a club premises certificate which authorises the sale of alcohol for the consumption **on** the premises) Where the performance takes place in the presence of an audience of **no more than 200** people

Live Music remains licensable where a performance of live music – whether amplified or unamplified – takes place before 08:00 or after 23:00 on any day;

11. ENFORCEMENT.

- 11.1 The Licensing Authority supports partnership with other regulatory bodies in respect of enforcing the provisions of the Act. This will be reflected in the nature and the extent of the working arrangements agreed between those bodies and the Licensing Authority, and on the need for efficient deployment of staff and avoidance of duplication of role. In particular, special arrangements will be maintained with the Police and other responsible authorities to achieve those ends.
- 11.2 The Licensing Authority will adopt enforcement regimes that will take account of the entire range of business activities and of individuals that require licensing under the new Act, with emphasis on the continued promotion of the licensing objectives. This will include both permanent business premises and premises used for temporary events. The Licensing Authority will make appropriate arrangements to monitor premises with a view to implementing targeted and proportionate enforcement action to achieve these objectives. Unlicensed activities and non compliance with conditions will not be tolerated at ANY premises.
- 11.3 Routine enforcement activity undertaken by the Licensing Authority will be targeted to ensure that high risk, poorly run premises, receive a high level of intervention, and that lower risk, well-run premises, receive a lower level of intervention. Complaint led enforcement will be subject to normal service response standards by the licensing team. The frequency of inspections will be based on a risk-rating system for the relevant licensed premises, dependent on business type and characteristics, the activities taking place and on historic data held by the Licensing Authority. Inspection frequency will be subject to review and possible amendments following the outcome of any inspection by the Licensing Authority and/or following investigation of a complaint received.
- 11.4 Enforcement action will be taken in accordance with the principles of the Cabinet Office's [Enforcement Concordat](#) in addition to the [Local Better Regulation Office Guidance](#), [Code for Crown Prosecutors](#), [Attorney Generals Guidelines](#).

The Licensing Authority has enforcement protocols with the police and will develop them with the other responsible authorities to provide for the most effective methods of monitoring and enforcing compliance with licensing requirements.

12 EARLY MORNING RESTRICTION ORDERS (EMRO)

- 12.1 EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times in which serious public nuisance or alcohol related anti-social behaviour is not directly attributable to specific premises.
- 12.1.1 The Licensing Authority may introduce, vary or revoke an EMRO. This power enables the Authority to prohibit the sale of alcohol for a specified period between the hours of 12 midnight to 0600 hours in the whole or part of its area if it is satisfied that this would be appropriate for the promotion of the Licensing objectives.

12.2 Introducing an EMRO

12.2.1 The Home Office issued guidance in June 2013 under section 182 of the licensing Act 2003 outlining the process and matters that should be considered when the council believes an EMRO is required. The council will follow the guidance if it considers that an EMRO is required for an area in Barnet. Any application for an EMRO must be approved by full Council.

12.3 Exceptions to an EMRO

12.3.1 An EMRO shall not apply to:

- a) Any premises on New Year's Eve (defined as 12 midnight 31 December to 0600 hours on 1 January).
- b) The supply of alcohol to residents by accommodation providers between 12 midnight and 0600 hours, provided the alcohol is sold through mini-bars and/or room service.
- c) A relation of the licensing hours by virtue of an order made under section 172 of the 2003 Act

13 LATE NIGHT LEVY

13.1 The late night levy enables the authority to raise contributions towards the cost of policing the late night economy. The levy is payable by the holders of any premises licence between midnight and 0600 hours.

13.2 The Home Office have issued guidance on the process and matters that should be considered when the authority considers that it is appropriate to introduce a night time levy. Any application for a late night levy must be approved by full Council.

14. TEMPORARY EVENT NOTICES

14.1 Whilst the Act requires 10 working days' notice to be given of the temporary event (exclusive of the day which the event is to start and the day on which the notice is given), the Council would wish applicants to make contact with the Licensing Authority at an early stage before a formal application is made. This is particularly important for large events and will enable responsible authorities to consider proposals. Early consideration will allow issues and the licensing objectives to be addressed and may avoid objections from the police and/or the Environmental Health Department..

14.2 Section 100 of the Act states that the organiser of a Temporary Event must give the Authority notice of the proposed event. Section 104 of the Act states that a copy of the notice must also be provided to the Police and Environmental Health.

14.3 Applicants should be aware that the serving on the Council of a Temporary Event Notice does not remove their obligations under other legislation. Where appropriate, permissions should be sought from the appropriate body. The Council expects that applicants understand their obligations in respect of:

- Planning permissions
- Health and safety
- Noise pollution
- The erection of temporary structures
- Road closures
- The use of pyrotechnics
- Anti-social behaviour

14.4 Applicants intending to sell alcohol should be aware that it is an offence to supply alcohol to minors or persons who are drunk. Also that the Police have powers to close down events without notice on the grounds of disorder, the likelihood of disorder or because of public nuisance caused by noise.

14.5 Applicants should be aware that a limit of less than 500 persons at any one time applies to temporary events and failure to comply with this limit may lead to prosecution. Where appropriate, organisers are strongly recommended to employ means of recording the number of persons entering and leaving the premises.

14.6 The attention of applicant is drawn to the fact police will expect to see a completed Music Promotion / Event Risk Assessment Scheme (Form 696 & 696A). If the event involves live or DJ music and is open to the public or section of the public

14.7 Section 107 of the Act states that a personal licence holder may hold up to 50 Temporary Events each year and a person who is not a personal licence holder may hold up to 5 such events. Each Temporary Event may last for up to 168 hours and an individual premises may hold up to 12 such events per year so long as the total number of days used for these events does not exceed 21 per calendar year.

14.8 Late Temporary Events Notices

14.8.1 Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. If there is an objection from either the police or Environmental Health, the event will not go ahead and a counter notice will be issued. The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and two for a non-personal licence holders. These count towards the total number of temporary event notices (see 12.7)

15. OPERATING SCHEDULES

15.1 Protection of Children from Harm

15.1.1 This is defined by the Council as the means by which children will be protected from harm by the effective management and operation of the licensed activities. The Council will consider harm to include all damaging, detrimental or injurious effects on children and will be concerned to protect children from physical, moral or psychological harm. The issues addressed could include, where relevant:

- Restrictions on access by children, whether accompanied or not, to the whole or any part of the premises, including times when children may not be present and/or whether such restriction relates to specific age groups.
- Provision of any adult supervision
- Methods employed for the prevention of unlawful supply, consumption, and use of alcohol, drugs and other products
- Whether the premises and licensee will adopt a [Challenge 21 scheme](#), whereby anyone thought to be under 21, who wish to purchase alcohol, staff will ask for identification or the "[No ID No Sale](#)" scheme for retailers.
- Whether a notice giving details of any restrictions relating to access by children is displayed.
- The provision of unbreakable drinking "glasses" for children (especially relevant for premises with play areas and/or including outdoor areas).
- The provision of suitable safe child seating (stable high chairs with straps in dining areas etc.)
- Provision for child friendly lavatories (low urinals, smaller w.c; low wash basins and provision of nappy changing facilities etc.)
- Arrangements for the inspection of play areas and/or equipment on licensed premises.
- Any instructions to be issued to staff about action to be taken in the event of concerns for the welfare of children in the care of intoxicated parents on licensed premises.
- Any other relevant issues relating to protecting children from harm.

15.1.2 Where regulated entertainment is specifically presented for children, the Council require their safety to be specifically addressed in the Operating Schedule to include:

- Numbers and locations of supervising adults. Supervising adults should remain in the area(s) occupied by children, in the vicinity of each exit. The minimum number of attendants on duty should be a minimum of one member of staff per 50 children;
- Supervision of other areas of the premises during performances;
- Arrangements for entry and departure from the premises;
- Whether supervising adults employed or deployed by the organiser will be required to provide a current (less than 3 years old) disclosure from the Criminal Records Bureau and to renew this every 3 years or whether other staff selection procedures will prevent the employment and deployment of adults who are not fit and proper persons to supervise children.

15.2 Public Safety

15.2.1 This is defined by the Council as the means by which public safety will be promoted by the effective management and operation of the licensed activities. The issues addressed could include, where relevant:

- Arrangements to ensure the safety of users in the event of fire or other emergency.
- The safety of audiences and spectators.
- The safety of performers.

- The adequacy of transportation arrangements to ensure that customers may safely travel to and from the premises avoiding concentrations of people unable to access transport in a timely manner.
- Confirmation of arrangements of advertising of taxis and mini-cabs solely relate to those licensed by recognised licensed authority.
- Whether free water is provided for example at dance venues where persons may suffer dehydration.
- Where door supervision staff are employed, whether a record of staff on duty and an incident report will be maintained.
- Any other relevant public safety issue

15.3 Prevention of Nuisance

15.3.1 This means by which nuisance will be prevented by the effective management and operation of the licensed activities. The issues addressed could include, where relevant:

- Noise emanating from the premises included extended areas such as beer garden and smoking areas, including whether noise suppression and/or cut-off devices will be used.
- Noise, anti-social behaviour and other disturbances caused by persons leaving the premises.
- Urination in public places in the vicinity of the premises (including the adequacy of lavatories provided at the premises).
- Congregation of persons from the premises whether consuming alcohol or not
- Noise from vehicles driven by, delivering or collecting customers.
- Where more than one licensable activity is permitted whether different times of finishing will apply (e.g. serving alcohol ceases at a specific period before musical entertainment finishes).
- Whether there will be a drinking up time before the premises close.
- Whether there will be a terminal hour or specific period before closure after which there will be no further admissions or readmissions to the premises.
- Litter.
- Light pollution.
- Any proposed fireworks.
- Whether the arrangements to dispose of refuse from the premises is conducted at a reasonable hour.
- Any other relevant issues relating to nuisance.

15.4 Prevention of Crime and Disorder

15.4.1 This means by which crime and disorder will be prevented by the effective management and operation of the licensed activities. The issues addressed could include, where relevant:

- Crime prevention design, including appropriate lighting of exterior areas (applicants are reminded that planning and or building control permission may be needed for some alterations to premises).
- The amount of seating that is provided and seat/table ratio to drinking area.
- Door supervision, including screening for weapons and drugs.
- Other measures to control violent, drunken or abusive behaviour, including exclusion of trouble makers and refusal to sell to those who are or appear to be drunk or under age and in appropriate circumstances, the use of toughened

and/or polycarbonate glasses and the refusal to supply drinks over the counter in glass bottles.

- Combating drug dealing and abuse
- Methods to discourage drinking in public places in the vicinity of the premises.
- In premises seeking to sell alcohol for consumption off the premises, whether displayed stock will be in the view of staff at all times and/or covered by CCTV and whether spirits will be kept behind the counter.
- Methods to discourage and prevent, in so far as possible, the handling and distribution of stolen, counterfeit or other illegal goods by customers and staff.
- Whether Pubwatch radio or other means of communication will be used.
- How the management of the premises will avoid irresponsible drinks promotions.
- Any other relevant issues relating to the prevention of crime and disorder

16. CONDITIONS

16.1 The Act sets out mandatory conditions which must be attached in respect of the supply of alcohol, exhibition of films and door supervision.

The Guidance issued under Section 182 of the Act provides pools of Model conditions as annexes.

16.2 Where appropriate for the promotion of the licensing objectives, the Council will attach conditions which are consistent with the operating schedule for the premises in clubs and types of premises or, following a hearing, any other conditions attached to licences or certificates will be tailored to the individual style and characteristics of the particular premises and events concerned.

16.3 The Council recognises that the drug use of patrons is a problem which may exist. The Council expects licensees to take all reasonable steps to prevent controlled drugs coming into, or being consumed on their premises. Whilst the possession of controlled drugs is a criminal offence, it is also recognised that special conditions will need to be imposed for certain types of venues to help prevent the sale and consumption of drugs and to create a safer environment for those who may have taken them. For more information please see the home office safer clubbing guide.

17. ADMINISTRATION, DELEGATION & EXERCISE OF FUNCTIONS

17.1 The Council is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

17.2 Appreciating the need to provide a speedy, efficient and cost effective service to all parties involved in the licensing process, the Council has delegated certain decisions and functions to its Licensing Committee, Sub-Committees and officers.

17.3 The grant of non-contentious applications, including for an example, those licenses and certificates where no representations have been made, has been delegated to Council officers.

17.4 The table in Appendix 1 sets out agreed delegation of decisions and functions to the Licensing Committee, Sub Committee and officers. This form of delegation is without prejudice to officers referring an application to a Sub-Committee, or a Sub-

Committee to the Licensing Committee, if considered appropriate in the circumstances of any particular case.

17.5 The Council will maintain a Licensing Register containing the information required by statute and keep it available for inspection.

18 LICENCE SUSPENSIONS

18.1 This is a power introduced as part of the amendments brought about by the Police Reform and Social Responsibility Act 2011. This power of suspension has been given to local authorities in relation to non payment of annual fees for a premises licence/club premises certificate.

18.2 A single request for payment will be sent and the licensing Authority will then take measures to suspend the licence if payment is not received within 28 days.

18.3 The regulations state that the premises licence holder will be given notice of a suspension at least 2 working days before the suspension is to take place. The council must then suspend the premises licences/club premises certificate should the outstanding annual fees remain unpaid.

18.4 The licence will be reinstated once full payment of all outstanding annual fees have been received.

Appendix 1 – TABLE OF DELEGATED FUNCTIONS

Matter to be dealt with	Licensing Committee	Licensing Sub - Committee	Officers
Application for a personal licence			All cases
Application for a personal licence with unspent relevant convictions		If a Police objection notice is received	
Application for a premises licence/club premises certificate		If a valid representation is made	If no valid representations are made
Application for a provisional statement		If a valid representation is made	If no valid representations are made
Application to vary a premises licence/club premises certificate		If a valid representation is made	If no valid representations are made
Application to vary a designated premises supervisor		If a Police representation is received	All other cases
Request to be removed as designated premises supervisor			All cases
Application to transfer a premises licence		If a Police representation is received	All other cases
Application for interim Authorities		If a Police representation is received	All other cases
Application to review a premises licence/club premises certificate		All Cases	
Decision on whether a representation is irrelevant frivolous, vexatious etc.			All cases
Decision to make objection when local authority is consultee and not the relevant authority considering the application		All Cases	
Determination of an objection to a temporary event notice		All Cases	
Decision on whether a minor variation application is valid, the need to go out to consultation and determination			All cases
Power to suspend a premises licence (S.55A (1))			All Cases

LA2003) or club premises certificate (S.92A (1) LA2003) for non payment of annual fees			
Determination of application to vary a premises licence at community premises to include alternative licence condition		If a Police objection is received	All other cases
Power to specify the date on which suspension takes effect. This must be at least 2 working days after the day the Authority gives notice			All Cases
Fulfil the function of the responsible authority for the Licensing Authority under the Licensing Act 2003			All Cases

Appendix 2
Licensing Policy 2015 – 2020 Consultation

Summary of Proposed Changes

Reference	Area of Change	Proposal
Introduction 1.3	Preceding Published Policy Date – Remove 2008	January 2011
Introduction 1.3	Policy Review Period	Policy is to be in force for a period of 5 years from January 2015
Scope 1.4.2	Remove Guidance issued by the Secretary of State for Culture, Media and Sport under section 182 Licensing Act 2003	The latest Guidance is issued by the Home Office on behalf of the Secretary of State rather than the Department of Culture Media and Sport.
Scope 1.4.2	Inclusion of new pieces of legislation	<ul style="list-style-type: none"> • Police Reform and Social Responsibilities Act 2011 • Live Music Act 2012
Scope 1.4.4	Inclusion of the power to suspend a premises licence/club premises certificate	<p>This is a power brought as part of the amendments brought about by the Police Reform and Social Responsibility Act 2011. The council must suspend premises licences and club premises certificates on the non-payment of annual fees. The regulations state that the premises licence holder will be given notice of a suspension that is at least 2 working days before the suspension is to take place.</p> <p>A single request for payment will be sent and the licensing Authority will then take measures to suspend the licence if payment is not received within 28 days. Income recovery procedures will be commenced along with enforcement visits to ensure that the suspension is maintained until payment or licence surrendered</p>
Scope 1.4.4	Deletion some licensable activities	

Objectives 2.2	Additional text inserted	
Objectives 2.3 – 2.7	Insert due to change in legislation	Licensing authorities (LAs) have been made responsible authorities in their own right under the Licensing Act 2003 giving them greater powers and flexibility. This gives stronger powers to, for example, remove licences from, or refuse to grant licences to, premises that are causing problems without having to wait for the police or another responsible authority (section 103 of the PRSR Act).
Policy Considerations 3.5	Change in wording following legislation change	'Necessary' has been replaced with 'appropriate' in relation to the steps a licensing authority may take when determining applications / requests for review.
Integrating Strategies & Avoiding Duplication 4.4	Further information relating to Planning	As outlined at paragraph 13.56 of the Consolidated Guidance issued under Section 182 of the Licensing Act 2003 (October 2012 version), there are also circumstances when as a condition of planning permission a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant MUST observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.
Public Safety 7.5	Deletion of text	Model pool of conditions
Health Considerations for Licensing 7.6	Insertion due to change in legislation	Health bodies have been made responsible authorities so that they are automatically notified about new premises applications and can make representations, although these must be relevant to the existing statutory licensing objectives (Section 104).
Risk Assessment 6.3	Delete due to the change in legislation	Licensing authorities (LAs) have been made responsible authorities in their own right under the Licensing Act 2003 giving them greater powers and flexibility. This gives stronger powers to, for example, remove licences from, or refuse to grant licences to, premises that are causing problems without having to wait for the police or another responsible authority (section 103 of the PRSR Act).

Crime & Disorder/Anti Social Behaviour 9.2	Deletion of text	Model pool of conditions
Nuisance 10.3	Deletion of text	Model pool of conditions
Live Music, Dancing & Theatre 10.5.5	Changes in the legislation	<p>From 1st October 2012, the Live Music Act 2012 amends the Licensing Act 2003 by partially deregulating the performance of live music and removing regulation about the provision of entertainment facilities.</p> <p>In brief, the changes are:</p> <ol style="list-style-type: none"> 1. unamplified live music between 8am and 11pm in all venues is no longer licensable; 2. amplified live music between 8am and 11pm before audiences of no more than 200 persons on alcohol licensed premises is no longer licensable; 3. amplified live music between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment) is no longer licensable; 4. the licensing requirement for the provision of entertainment facilities is removed; 5. the exemption for live music integral to a performance of morris dancing or dancing of a similar type is widened, so that the exemption applies to live or recorded music instead of unamplified live music. <p>1 and 2 above are subject to the right of the licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises.</p>
Early Morning Restriction Orders 12	Addition due to change in legislation	<p>The power for licensing authorities to introduce an EMRO is specified in sections 172A to 172E of the 2003 Act which was amended by Section 119 of the Police Reform and Social Responsibility Act 2011. These provisions came into force on 31st October 2012.</p> <p>Regulations prescribing the requirements in relation to the process for making an early morning restriction order (EMRO) were brought in force on 31st October 2012.</p>

		<p>Guidance has been introduced in relation to:</p> <ul style="list-style-type: none"> • the EMRO process • the evidence base • introducing an EMRO • advertising an EMRO • dealing with representations • hearings implementation • imitations • enforcement <p>The legislation gives licensing authorities discretion to restrict sales of alcohol by introducing an EMRO to restrict the sale or supply of alcohol to tackle high levels of alcohol related crime and disorder, nuisance and anti-social behaviour. The order may be applied to the whole or part of the licensing authority area and if relevant on specific days and at specific times. The licensing authority must be satisfied that such an order would be appropriate to promote the licensing objectives. The only exemptions relating to EMROs are New Years Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service. The decision to implement an EMRO should be evidence based and licensing authorities may wish to outline in the policy the grounds which they will take into consideration when considering implementation of an EMRO. This should include consideration of the potential burden imposed as well as the potential benefits. The Licensing Authority reserves the right to introduce an EMRO if it so desires and consultation and evidence from responsible authorities demonstrates the need. The function of making, varying or revoking an EMRO is specifically excluded from the statutory delegation of functions to the Licensing Committee.</p> <p>This is a new provision open to the Council and it may wish to consider consulting on this issue at a later date. Initial views are sought from stakeholders during this consultation.</p>
Late night levy consideration 13	Addition due to change in legislation	<p>Addition: The legislative provisions relating to the late night levy are not part of the Licensing Act 2003 but are contained in Sections 125 to 139 of the Police Reform and Social Responsibility Act 2011. The provisions came into force on 31st October 2012.</p> <p>Regulations have been brought into force setting out the way in which the levy must be applied and administered, and arrangements for expenses, exemptions and reductions.</p>

		<p>Guidance has also been introduced in relation to:</p> <ul style="list-style-type: none"> • implementing the levy and the consultation process • the design of the levy • exemptions from the levy • reductions in levy charges • how revenue raised from the levy may be spent • the levy charges • the levy collection process • <p>With regard to exemptions, the licensing authority will have discretion whether to exempt certain premises or not. Licensing Authorities also have discretion whether to reduce the amount of the levy by 30% for premises which participate in business-led best practice schemes. Any revenue from the levy must be split between the licensing authority and the Police, with at least 70% of the 'net' levy (after expenses) paid to the Police. The Late Night Levy Guidance, at paragraph 1.40 suggests that licensing authorities may wish to use existing partnership arrangements with the Police to ensure that the police intentions for the share of the levy revenue paid to them are genuine.</p> <p>These new powers enable licensing authorities to charge a levy in relation to persons who are licensed to sell or supply alcohol late at night as a means of raising a contribution towards the costs of policing the night-time economy. It is a 'local' power that licensing authorities can choose whether or not to exercise.</p> <p>This is a new provision open to the Council and it may wish to consider consulting on this issue at a later date. Initial</p>
<p>Temporary Event Notices 14</p>	<p>New legislation</p>	<p>The Police and Environmental Health Officers are now able to object to TENS where they consider that the proposed activities are likely to undermine a licensing objective.</p> <p>Conditions may be applied to TENS if the Authority considers it appropriate for the promotion of the licensing objectives to do so, providing the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.</p>

		Time limits relating to TENS have been relaxed, including the duration of activities which has increased from 96 hours to 168 hours.
Licence Suspensions 18	Delete due to the change in legislation	Licensing authorities (LAs) have been made responsible authorities in their own right under the Licensing Act 2003 giving them greater powers and flexibility. This gives stronger powers to, for example, remove licences from, or refuse to grant licences to, premises that are causing problems without having to wait for the police or another responsible authority (section 103 of the PRSR Act).
Table of delegation	Update for new powers	Officers in all cases <ul style="list-style-type: none"> • power to suspend a premises licence (S.55A (1) LA2003) or club premises certificate (S.92A (1) LA2003) for non payment of annual fees • power to specify the date on which suspension takes effect. This must be at least 2 working days • power to impose existing conditions on a premises licence, club premises certificate, and Temporary Event Notice where all parties agree that a Hearing is unnecessary – see S.106A LA2003 power to make representations as responsible authority Advice and Guidance Additional guidance

Interests Parties		The term 'interested parties' has been replaced by 'any other person' meaning that anyone can voice objections regardless of geographic vicinity, however any such objection must relate to one or more of the licensing objectives.
Notification of applications will be the responsibility of the Licensing Authority		The Secretary of State has been required to make changes to the Licensing Act Regulations 2005 requiring the Licensing Authority to advertise applications 'in a manner which is prescribed and is likely to bring the application to the attention of the persons who are likely to be affected by it'.
Determination of applications		'Necessary' has been replaced with 'appropriate' in relation to the steps a licensing authority may take when determining applications / requests for review.
Sanctions for persistently selling alcohol to children		<ul style="list-style-type: none"> The fine for persistent underage sales has doubled from £10,000 to £20,000, and the new legislation makes it easier to shut down businesses found to be persistently selling alcohol to those under 18. The Government will not tolerate sales of alcohol to children. The fine for persistent underage sales has been doubled to £20,000 and it is now easier to shut down businesses found guilty. The new legislation increases the period of voluntary closure, as an alternative to a fine, from 48 to 336 hours (Section 118 of the PRSR Act).
		<ul style="list-style-type: none"> Local residents now have a greater say – the 'vicinity test' has been scrapped so now anyone can make representations about licensing decisions regardless of whether they live close to the premises concerned (Section 105 -108 of the PRSR Act).
		As outlined at paragraph 13.56 of the Consolidated Guidance issued under Section 182 of the Licensing Act 2003 (October 2012 version), there are also circumstances when as a condition of planning permission a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant MUST observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

Appendix 3

Licensing Policy Consultation responses

Question 1

To what extent do you agree or disagree with the licensing policy?

1 response was recorded:

Strongly agree	
Tend to agree	
Neither agree nor disagree	
Tend to disagree	
Strongly disagree	
Don't know	1

Question 2

Please give reasons for this?

1 response was recorded

Response	Department's Comments
jkmk	It can be assumed that they did not want to make a comment as this response is incoherent.

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Licensing Committee 24th November 2014

Title	Review of the current Street Trading Regime
Report of	Strategic Director Growth & Environment
Wards	All
Status	Public
Enclosures	None
Officer Contact Details	Emma Phasey Trading Standards and Licensing Manager Emma.phasey@barnet.gov.uk

Summary

This report seeks approval from the Committee to consider options in relation to a review of the current street trading regime

Recommendations

1. That the Committee consider the current street trading regime and whether it remains the most effective way of managing street trading. In particular to consider and determine whether to introduce the designation of streets as "licence streets" or whether the temporary licence regime that is currently used is adequate.

1. WHY THIS REPORT IS NEEDED

The aim of licensing street trading is to balance the needs of businesses and residents with the public expectation of an unobstructed footway. In the London Borough of Barnet, street trading is regulated under the provisions of the London Local Authority Act 1990 (as amended). The 1990 Act provides for two types of licence, a “street trading licence” or a “temporary street trading licence”. They vary in many ways.

A street trading licence can only be granted if a local authority has passed a resolution to designate some or all streets as licenced streets. If a local authority has not passed such a resolution, it can only grant a temporary street trading licence.

The London Borough of Barnet has currently not made a resolution to designate any streets within the borough and it can therefore only grant temporary street trading licences. However, six street trading licences have been granted under the 1990 Act by virtue of licences held under the Middlesex County Council Act 1944. The 1990 Act entitles the holder to retain rights held under the 1944 Act and the council must therefore continue to renew the licences unless they lapse, are surrendered or revoked.

A “street trading licence” authorises a person to trade in a licence street and can be valid for a period of up to 3 years or for a shorter period as the local authority may determine. However a “temporary street trading licence” can only last a maximum of 6 months.

A local authority must grant a “street trading licence” application unless they consider that the application should be refused on one or more statutory grounds contained in sub section 25(6) of the 1990 Act. These are:

- There are already enough traders in the area selling the same type of goods
- The applicant is unsuitable to hold a licence
- The applicant has previously failed to obtain a licence
- The applicant has previously failed to pay fees due for street trading licence
- There are inadequate premises available for the storage of the goods when street trading is not taking place

A “temporary licence” allows more flexibility in this area. In the London Borough of Barnet, a policy has been developed around this area which sets out what is acceptable for a premises to be allowed a temporary licence. A local authority does not have a statutory obligation to grant a “temporary licence”.

If a local authority grants or refuses a “street trading licence” on the above grounds then this will provide the applicant/licence holder with a statutory right of appeal against the decision. With a “temporary licence” there is no statutory right of appeal. The appeal process is set out in the London Borough of Barnet policy, and is an internal appeal process.

If a local authority grants a street trading licence it may revoke or vary the licence only in accordance with section 28 of the 1990 Act. However, the licence holder shall first be given 21 days previous notice of the local authority's intention before it determines the matter and be given the opportunity to make representations. A temporary licence can be revoked with no notice.

Once a "street trading" licence has been granted the holder may specify the name of a relative to whom he wishes the licence to transfer upon his

- death
- retirement
- ill-health which prevents him from continuing to trade

and the council shall grant the licence to that person. There is no such right with a temporary licence.

REASONS FOR RECOMMENDATIONS

The initial decision in relation to this street trading regime was taken in 2008, which is 6 years ago. Since that time a "temporary" licensing scheme has been in effect. It is important that LBB ensure that they regulate street trading through a robust and accountable regulatory regime by fully utilising the provisions of the 1990 Act as appropriate to the London Borough of Barnet.

With the exception of the existing street trading licences which are in existence by virtue of the Middlesex County Council Act 1944, the current system only allows for "temporary licences" to be granted.

Option 1: Continue only with a Temporary Street Trading Licence regime

"Temporary licences" can only be issued for periods not exceeding six months. This increases the administrative burden on the local authority as applications must be submitted twice a year. This effectively doubles the amount of time taken for the administration of an application and increases the regulatory burden on businesses which is contrary to best practice.

In addition, by requiring an application to be submitted twice a year, this increases the risk of businesses failing to reapply and increases the risk of non-compliance. This subsequently increases the amount of time taken by officers in dealing with the administrative aspects of determining an application and enforcement officers in seeking compliance. This also increases risk of unlicensed street trading activity being carried out.

An application for a "temporary street trading licence" may be refused on any grounds.

Option 2: Designating some streets as licences streets

By designating streets for “street trading licences” traders are given more rights in relation to the public footpath and licence process.

A resolution to designate streets as licence streets has the effect of prohibiting street trading in that street unless the trader obtains a street trading licence. In deciding whether this is an appropriate option, the effects of designating streets should be carefully considered. A designation means that a street trading licence must be issued before trading is authorised.

It must be noted that a temporary street trading licence may still be granted for a non-licence street. However, the Council may refuse to issue temporary licences by way of policy.

An application for a street trading licence in a licensed street must be granted under the provisions of the 1990 Act unless specific grounds for refusal of the licence exist. These are:

- There are enough traders in the street in respect of the type of goods in which the applicant wishes to trade
- The applicant is unsuitable to hold a licence
- The applicant has previously traded without first obtaining a licence
- A previous licence held by the applicant could have been revoked on the grounds that the applicant has failed or refused to pay any outstanding fees
- The applicant is unable to provide adequate storage for perishable goods when street trading is not taking place

Although a “street trading licence” must be granted, there is still a method to control the street trading in that area. This is done a set of standard conditions that can be imposed, which are determined by the Local Authority. Which can be used to restrict location, trading times, products traded, how refuse is disposed of etc. Also individual conditions can be applied to each licence.

By designating licence streets, the applicant and holder of a “street trading licence” will also be entitled to statutory rights under the 1990 Act that do not exist for “temporary street trading licences”. These are:

- Rights of succession as discussed in paragraph 25.
- Statutory right of appeal to the magistrates court against the decision of the council not to grant or renew a street trading licence
- Statutory right of appeal to the magistrates court against the decision of the council to vary a street trading licence
- Rights to be given 21 days notice to make representations to the Council of its intention to revoke or vary the terms of a licence

Demarcation of street trading area

A further point to consider is whether the London Borough of Barnet would like to consider adopting a policy of demarcation licensed street trading areas. This is something that has been raised as an option by both traders and residents of a way of ensuring that traders stay within their allocated street trading area.

Currently, this is something that has not been considered by the London Borough of Barnet. There are a number of options that could be considered here, either a line marked on the pavement or stubs placed into the public highway.

2. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

Currently no recommendations have been given in relation to this decision as it is felt that it is the Licensing Committee who should lead with the review of the regime. Both options for the street trading regime have positives and negatives. Street trading remains a delicate balance between promoting business and innovation within the London Borough of Barnet at the same times as promoting clear and clean streets free of nuisance to local residents. Therefore it is felt that the Licensing Committee are best placed to lead on which direction this should take.

3. POST DECISION IMPLEMENTATION

Once considered the Committee will refer this to the next full Council/Environment Committee meeting with their recommendation on the review of the regime for further consideration.

4. IMPLICATIONS OF DECISION

4.1 Corporate Priorities and Performance

Street trading supports objectives contained within the Corporate Plan. In particular, in relation to “maintaining the right environment for a strong and diverse local economy” as street trading can contribute to the economic, cultural, environmental and social well being of the borough.

Street trading also supports the Sustainable Community Strategy 2010-2020 in relation to helping create a successful London Suburb as street trading supports enterprise within the London Borough of Barnet.

4.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

Administration and enforcement of street trading will be carried out by the Licensing team, together with support from Legal Services and from Governance Services, when arranging and co-ordinating arrangements for hearings in relation to Permanent Pitches.

The current fees were set in 2013 and are kept under constant review to ensure any expenditure will be contained within the licensing departments budget.

4.3 Legal and Constitutional References

The London Local Authorities Act 1990 allows Authorities to license street trading. Section 24 of the London Local Authorities Act 1990 (as amended) (“the Act”) deals with the Designation of Licence Streets. . Under section 24 of

the Act, if the Council consider that street trading should be licensed in their area they may pass a resolution designating any street within the borough as a license street. Section 25 of the Act deals with the application of grant or renewal of a street trading licence. Under the Act, the Council is responsible for granting, renewing, varying or revoking all street licences. Under section 30 of the Act, any person aggrieved by the refusal by the Council to grant or renew a licence has the right to appeal to the Magistrates Court at any time before the expiration of the period of 21 days beginning with the date upon which notification in writing is given of the refusal or decision.

Section 31 of the Act deals with Temporary Street trading licences which is the current regime that is operated by the Council. Under Section 31, the Council can grant a temporary licence to an applicant. The temporary licence is only valid for the day or period specified in the licence (maximum 6 months). There is no right of appeal in respect of the refusal of a temporary licence.

Annex A To Responsibility for Council Functions- Membership and Terms of Reference of Committees and Partnership Boards”, details the functions of the Licensing Committee which includes street trading

4.4 Risk Management

It is important that the London Borough of Barnet adopts a robust and accountable regulatory regime in relation to street trading. It needs to ensure that the risk of non-compliance and the regulatory burden to both the Local authority and to the trade is minimised. However it must balance this with the desire of residents to have an unobstructed pavements..

4.5 Equalities and Diversity

The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.

When considering street trading applications, only issues provided for in the London Local Authority Act 1990 (as amended), in addition to the authority’s street trading policy will be taken into account. This will ensure a consistent approach is adopted. Under the terms of the policy, every application will be considered on its own merits.

An initial equalities impact assessment has been completed and there is no identified impact on any of the protected groups. Therefore a full impact assessment is not required

4.6 Consultation and Engagement

At this stage, there are no consultation requirements. However, before passing a designating resolution , the Council is obliged to consult with the Commissioner of Police of the Metropolis on their proposal. The Council have notice requirements under the Act and allows a period of 28 days for

representations to be made which the Council will consider. After the Council have considered these representations, they may if they think fit, pass such a resolution relating to the street.

5. BACKGROUND PAPERS

None

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	AGENDA ITEM 10 Licensing Committee 24th November 2014
	<p>Title Street Trading Policy</p> <p>Report of Strategic Director Growth & Environment</p> <p>Wards All</p> <p>Status Public</p> <p>Enclosures Appendix 1 – Proposed Street Trading Policy Appendix 2 - Responses to consultation</p> <p>Officer Contact Details Emma Phasey Trading Standards and Licensing Manager Emma.phasey@barnet.gov.uk</p>

<h3>Summary</h3>
<p>This report seeks approval from the Committee to approve a new Street Trading Policy which is then recommended to full council for adoption.</p>

<h3>Recommendations</h3>
<p>1. This report asks the Committee to consider and approve the proposed revisions/amendments to the London Borough of Barnet’s Street Trading Policy, and to recommend to full council for its meeting on 16th December 2014</p>

1. WHY THIS REPORT IS NEEDED

In January 2008 the London Borough of Barnet adopted the current regime in relation to street trading. The Introduction of this street trading regime allowed for the effective control of the street scene in the borough. The Council is currently able to attach relevant conditions to ensure good practice and exercise control over issues such as nuisance and crime and disorder. Where there is non-compliance, licences can be revoked and appropriate enforcement action taken.

There are currently approximately 70 temporary street trading licences and 6 permanent pitches in the borough.

The current street trading policy was adopted in July 2013.

This policy is reviewed and assessed by the Licensing Team on a regular basis to ensure that it satisfies the interests of both the authority and the residents and that it is in keeping with trends identified within the business community. It has become evident that there is a desire from local traders for more regular markets and street markets within the borough. This is also an option that is being considered and encouraged by the council's Regeneration Team.

It was felt that the current street trading Policy did not adequately address the processes and procedures for allowing regular street markets to be held within the borough in line with the current trend.

The proposed new policy is attached at Appendix 1. A 6 week consultation has been under taken on this policy between 22nd September 2014 and the 7th November 2014

The consultation document was sent to the Police, all Members, all current holders of a street trading licence in Barnet and the Environmental Health and Highways departments of the London Borough of Barnet. It was also placed on the consultations area of the council's website.

A total of three responses were received, two did not have a view on the policy and one disagreed with the policy. However the person who disagreed in relation to the policy raised issues in relation to enforcement around street trading rather than the policy document. A breakdown of responses can be found in Appendix 2.

2. REASONS FOR RECOMMENDATIONS

The London Borough of Barnet has very recently been contacted by traders in relation to setting up new street markets within the borough. It is widely recognised that street markets can benefit an area not only in terms of regeneration, economic development and culture and tourism, but also in relation to health, community cohesion, the environment and the availability of affordable and ethnically diverse food.

Currently the policy contains a section relating to street markets, however this section is restrictive in the time limits it imposes and also may not provide adequate control over the market traders. Therefore to be able to help encourage well controlled and beneficial street markets in the borough this section has been reviewed and amended.

In November 2013 the Licensing Committee agreed for a draft policy to be issued for consultation. However since that time the London Borough of Barnet has been approached by a number of businesses and individuals interested in street trading and street markets. As a result of this increase in demand a further interim review has been undertaken of the street trading regime – the result of this is a few minor amendments having been made to the draft policy.

The licensing team is therefore seeking further approval from the Licensing Committee in relation to the new draft policy.

The London Borough of Barnet will be undertaking a further review of their strategy in relation to regeneration of the town centres which will have an impact on street trading. It is therefore likely that further reviews of this policy will be made within the near future.

The policy may be changed at any time after adoption (after further consultation) and will be regularly reviewed.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

The Licensing Committee could decide not to accept the proposed amendments to the Street Trading Policy. However there has been an increase in the number of street market requests in the past few years. The London Borough of Barnet needs to ensure that their policy remains relevant to street markets and retains the appropriate level of control and supervision over these markets.

4. POST DECISION IMPLEMENTATION

If approved by the Committee, the Committee will recommend that the Policy be adopted at a meeting of the Full Council on 16th December 2014

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

Street trading supports objectives contained within the Corporate Plan. In particular, in relation to “maintaining the right environment for a strong and diverse local economy” as street trading can contribute to the economic, cultural, environmental and social wellbeing of the borough.

Street trading also supports the Sustainable Community Strategy 2010-2020 in relation to helping create a successful London Suburb as street trading supports enterprise within the London Borough of Barnet.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

Administration and enforcement of street trading will be carried out by the Licensing team, together with support from Legal Services and from Governance Services, when arranging and co-ordinating arrangements for hearings in relation to Permanent Pitches.

The current fees were set in 2008 and are being reviewed at the same time as the policy, any expenditure will be contained within the licensing departments budgets.

5.3 Legal and Constitutional References

The London Local Authorities Act 1990 (as amended) allows such Authorities to license street markets. Definitions for 'Street Trading' and 'Streets' can be found in section 21 of the London Local Authorities Act 1990 (as amended) ("the Act"). Under the Act the Council is responsible for granting, renewing, varying or revoking all street trading licences. This function is generally undertaken by the Licensing Sub-Committee under delegation from the Licensing Committee (the Committee) Annex A of the Council's constitution. Street trading without the required licence is an offence under section 38 of the London Local Authorities Act 1990 and carries a maximum fine of £1,000 upon conviction. The trader's goods may be seized and where appropriate an application made to Magistrates for a forfeiture order. Additionally prosecutions may be taken for obstruction of the highway under section 137 of the Highways Act 1980. To ensure consistency in decision making an agreed sound policy is needed.

5.4 Risk Management

The lack of a sound policy or the adoption of an unsound policy may result in poor decisions being taken and could cause difficulty to businesses and residents. This would leave the authority open to challenge by way of Judicial Review in relation to the policy and/or appeal of a Licensing Committee decision to the Magistrates' Court. This would adversely affect the Council's reputation.

5.5 Equalities and Diversity

The Council has a legal obligation under section 149 of the Equality Act 2010 to have regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.

When considering street trading applications, only issues provided for in the London Local Authority Act 1990 (as amended), in addition to the authority's street trading policy will be taken into account. This will ensure a consistent approach is adopted. Under the terms of the policy, every application will be considered on its own merits, regardless of the race, colour, nationality, ethnic origin, sex, marital status, disability or age of the individuals involved.

The community in Barnet has a richness of diversity with a broad range of cultural activities and entertainments. Applications will be dealt with in accordance with the Act

5.6 Consultation and Engagement

The policy was consulted upon for the 6 weeks prior to the 7th November 2014, in accordance with best practice. All replies have been taken into account.

The consultation document was sent to the Police, all Members, all current holders of a street trading licence in our area and the Environmental Health and Highways departments of the London Borough of Barnet

6. BACKGROUND PAPERS

ANNEX A TO RESPONSIBILITY FOR FUNCTIONS - Membership and Terms of Reference of Committees and Partnership Boards, details the functions of the Licensing Committee including street trading.

London Borough of Barnet

Street Trading Policy 2014-2019

London Local Authorities Act 1990 (as amended)

1 DEFINITION OF TERMS

Within the terms of this policy in respect of street trading the following definitions apply:

- 1 **Authorised Officer** An officer employed and authorised by The London Borough of Barnet to act in accordance with the provisions of the London Local Authorities Act 1990 (as amended).
- 2 **Permanent Street Trading Licence** A licence given by the London Borough of Barnet to trade on a licensed street
- 3 **Temporary Street Trading Licence** A short term/provisional licence given by the London Borough of Barnet to trade on a street. Usually issued for table and chairs and shop front displays outside of an established premises
- 4 **Street Market licence** A street trading licence given by the London Borough of Barnet to an individual to allow him/her to trade on a street as a market.
- 5 **Licence** The term used when this policy applies equally to both a street trading licence and temporary street trading licence.
- 6 **Licence Holder** The person or company to whom the licence to trade has been granted.
- 7 **Market** An outdoor space where three or more stalls are situated together for the purpose of allowing people to street trade.
- 8 **Itinerant ice cream trading** shall have the meaning ascribed in Section 21(1) of the London Local Authorities Act 1990 (as amended).
- 9 **Street Trader** A trader granted permission by The London Borough of Barnet to trade from a specified position.
- 10 **Street** Shall have the meaning ascribed in Section 21(1) of the London Local Authorities Act 1990 (as amended).
- 11 **Street Trading:** Shall have the meaning ascribed in Section 21(1) of the London Local Authorities Act 1990 (as amended) and includes the use of tables and chairs on situated the highway for business purposes.
- 12 **Street Trading Pitch/Location** The area in any street authorised as a place at which street trading may be engaged in by a street trader, and includes any temporary alternative place approved by the London Borough of Barnet.
- 13 **Advertisement** Any word, letter, model, sign, placard, board, notice, whether illuminated or not, in the nature, and employed wholly or partly for the purposes of advertisement,

announcement or direction and includes any hoarding or similar structure or any balloon used, or adapted for use for the display of advertisements, and references to the display of advertisement shall be constructed accordingly.

- 14 **Assistant** A person employed by and acting under the directions of a street trader to assist him/her about the business of the stall and whose name and address has been notified to the London Borough of Barnet
- 15 **Awning** A sheet of canvas or other material, used as a protection against the weather, which projects as an extension of the roof beyond the structure of the stall.
- 16 **Goods** Any goods, wares or merchandise displayed for sale at a stall
- 17 **Pitch Limits** The agreed area within which street trading is permitted.
- 18 **Refuse** Any waste material.
- 19 **Stall** Any structure used by a trader for the display of goods, or in connection with his or her business, and which occupies a licensed street trading pitch; and includes all goods offered or to be offered for sale and any additional structure or equipment used as part of the stall or business. On "isolated pitches" this also includes all rubbish created as a result of the business.
- 20 **Premises** Any shop, house or block of flats or other building.

2 INTRODUCTION

- 2.1 This document sets out the London Borough of Barnet's policy in respect of the London Borough of Barnet's licensing functions for street trading under [Part III of the London Local Authorities Act 1990 \(as amended\)](#).
- 2.2 This policy will take effect from 16th December 2014
- 2.3 This policy will be kept under review and before making any amendments the London Borough of Barnet will consult with licence holders and their representatives and will give consideration to all representations received within the 28-day consultation period.
- 2.4 The policy will be formally reviewed at least every 5 years.
- 2.5 The London Borough of Barnet recognises that street trading can play a part in the cultural identity of the borough and also contributes to the local economy. It may attract visitors and can make for vibrant towns and communities, while at the same time providing employment.
- 2.6 In regulating street trading activities the London Borough of Barnet acknowledges that a balance must be struck between the legitimate objectives of applicants and the desires of the population as a whole, and in particular those members of the public living, working or engaged in normal activity in the area concerned. A balance must be struck between these, often conflicting, positions and all relevant views will be taken into account when making licensing decisions or determining a course of action.
- 2.7 This policy will apply to all street-trading activities to ensure consistency in decision-making. However, each application will be considered on its own merits so that individual circumstances, where appropriate, are taken into consideration.
- 2.8 On Barnet Council made regulations prescribing standard licence conditions in accordance with Section 27(3) London Local Authorities Act 1990 (Appendix 2)
- 2.9 The Licensing functions under The Act will be discharged by officers acting under delegated authority.

3 THE APPLICATION

- 3.1 All applications for a licence must be made to the London Borough of Barnet either electronically using the forms on the London Borough of Barnet website or addressed to:
London Borough of Barnet

Trading Standards and Licensing Team

Building 4

North London Business Park

Oakleigh Road South

London N11 1NP

3.2 New Applications – temporary street trading licences

3.2.1 The application must be:

- Made in writing
- Made on the correct application form as prescribed by the London Borough of Barnet
- Accompanied by the full fee, unless agreed in writing that a partial fee will be acceptable.
- Accompanied by an acceptable passport sized photo
- Accompanied by the following documents:
 - An original certificate of insurance that covers the street trading activity for third party and public liability risks
 - Written proof of ownership of the land on which it is intended to trade or adjacent to or written consent of the land owner to trade from that land

3.2.2 A correctly completed application for a licence should (apart from in exceptional circumstances to be determined by the London Borough of Barnet) be received at least 28 days before the proposed start date of the licence.

3.2.3 An incomplete or incorrectly completed application will be rejected.

3.3 New Applications – permanent pitches

3.3.1 Please note that to apply for a new street trading permanent pitch the street that you wish to trade must be a designated street under the London Local Authorities Act 1990 (as amended)

3.4 Renewal Applications

3.4.1 Renewal applications will only be accepted for permanent street trading licences.

3.4.2 A correctly completed application for the renewal of a permanent street trading licence must be submitted no later than two months before the existing licence will expire but not earlier than three months before that date.

3.4.3 An incomplete or incorrectly completed application will be rejected.

3.4.4 A copy of the current public liability insurance must be provided

- 3.4.5 An application received more than three months before the expiry date will be rejected

3.5 Fast Track application (temporary licence)

- 3.5.1 All applications for temporary street trading licences will be treated as new applications.
- 3.5.2 However if a licence holder has held a valid temporary street trading licence within the last 12 months they are eligible for a fast track application
- 3.5.3 A correctly completed application for a licence should (apart from in exceptional circumstances to be determined by the London Borough of Barnet) be received at least 28 days before the proposed start date of the licence.
- 3.5.4 The application form must be accompanied by the fee, an acceptable passport sized picture and the current public liability documents.

3.6 Street Markets - Operator

- 3.6.1 All persons intending to operate a street market must submit an application for authorisation to hold a street market in the relevant area. This is an initial specific approval that a market can take place for that area. A further application is required for the specific dates.
- 3.6.2 The initial application to hold a market in the area must be submitted at least 2 months before the market will be held. This must be submitted with
- An original certificate of insurance that covers the street trading activity for third party and public liability risks
 - A management plan for the market including a risk assessment
- 3.6.3 If granted this authorisation remain in place indefinitely unless the licensing authority confirm in writing that it has been revoked.
- 3.6.4 Once authorisation is obtained a further application must be submitted at least 1 months before the start of each market confirming the date(s) of the event. The maximum licence period for a market is currently six months.

3.7 Street Market – Casual Market Trader Registration

- 3.7.1 Any individual who wishes to trade at a street market within the London Borough of Barnet must hold a casual market trader registration

3.7.2 The application must be:

- Made in writing
- Made on the correct application form as prescribed by the London Borough of Barnet
- Accompanied by the full fee, unless agreed in writing that a partial fee will be acceptable.
- Accompanied by an acceptable passport sized photo
- Accompanied by an original certificate of insurance that covers the street trading activity for third party and public liability risks

4. DETERMINING APPLICATIONS

4.1 New Permanent pitches

4.1.1 Before deciding whether to grant or refuse a licence the London Borough of Barnet will carry out a consultation process with various persons and groups. In particular the following organisations or persons shall be consulted.

- London Borough of Barnet (Highways Authority)
- London Borough of Barnet Environmental Health Department
- The Metropolitan Police Service
- London Fire & Rescue Service
- The elected ward councillor for the proposed street trading location
- Any other person at the London Borough of Barnet believes may provide relevant information in respect of the application.

4.1.2 The consultation period will last for 21 days starting the day following receipt of a valid application for a permanent street trading licence.

4.1.3 Consultees will be given 21 days in which to make comments.

4.2 Renewal Applications (Permanent Pitch)

4.2.1 Before a permanent street trading licence is renewed the London Borough of Barnet will carry out a consultation process with various persons and groups. In particular the following organisations or persons shall be consulted.

- London Borough of Barnet (Highways Authority)
- London Borough of Barnet Environmental Health Department
- The Metropolitan Police Service

- 4.2.2 The consultation period will last for 7 days starting the day following receipt of a valid application for a permanent street trading licence.
- 4.2.3 The purpose of the consultation is to determine whether there has been any significant change in circumstances since the grant of the previous permanent street trading licence.
- 4.2.4 The applicant is not required to advertise the application for the renewal of an existing licence

4.3 Temporary licence (non fast track applications)

4.3.1 Before a street trading licence is granted the London Borough of Barnet will carry out a consultation process with various persons and groups. In particular the following organisations or persons shall be consulted.

- London Borough of Barnet (Highways Authority)
- London Borough of Barnet Environmental Health Department
- The Metropolitan Police Service

4.3.2 The site will be visited during 14 days of the application by an officer and assessed for its suitability to have a street trading licence.

4.4 Temporary licence (fast track applications)

4.4.1 Fast track application will not have a consultation period or a site visit

A list of the name and address of the premises who wish to apply will be sent on a weekly basis to the following people:

- London Borough of Barnet (Highways Authority)
- London Borough of Barnet Environmental Health Department
- The Metropolitan Police Service

4.5 Street Markets - Operators

4.5.1 Before deciding whether to grant or refuse a proposal to allow an area to be used for a temporary street market a consultation will be undertaken with various persons and groups. In particular the following organisations or persons shall be consulted.

- London Borough of Barnet (Highways Authority)
- London Borough of Barnet Environmental Health Department
- The Metropolitan Police Service
- London Fire & Rescue Service
- The elected ward councillor for the proposed street trading location

- Transport for London (if the market is on a TFL route.)
- Any other person at the London Borough of Barnet believes may provide relevant information in respect of the application.

4.5.2 Notices will be displayed in the vicinity of the proposed street market outlining the application and inviting representations.

4.5.3 Letters will be sent to business immediately adjacent to the proposed street market outlining the application and inviting consultations

4.5.4 The consultation period will last for 4 weeks starting the day following receipt of a valid application for a temporary street market.

4.5.5 Consultees will be given 21 days in which to make comments.

4.5.6 If approval is given for a temporary street market to be held by a particular person in a particular area then a further applications must be submitted at least a month prior to the start of each market specifying the date(s) on which it is proposed that the market will operate. This information will be circulated to the following persons to consult on the suitability of the chosen date.

- London Borough of Barnet (Highways Authority)
- London Borough of Barnet Environmental Health Department
- The Metropolitan Police Service
- London Fire & Rescue Service
- The elected ward councillor for the proposed street trading location
- Transport for London if the market is on a TFL route.

4.5.7 The parties will have seven days to make any representations.

4.6 Street Market – Casual Market Trader registration

4.6.1 A street market trader registration will not have a consultation period.

4.6.2 A list of the name and address of the persons and associated premises who wish to apply will be sent on a weekly basis to the following people:

- London Borough of Barnet (Highways Authority)
- London Borough of Barnet Environmental Health Department
- The Metropolitan Police Service

5 REPRESENTATIONS TO AN APPLICATION

5.1 In addition to the persons mentioned in paragraphs 4.1 and 5.1 above, 'interested parties' may also make representations to the London Borough of Barnet in writing on any application for the grant or renewal of a permanent street trading licence or temporary street trading licence. An 'interested party' is defined as:

- A person living in the vicinity of the premises, market or pitch in question
- A body representing persons living in the vicinity of the premises, market or pitch in question
- A person involved in a business in the vicinity of the premises, market or pitch
- A body representing persons involved in such a business in the vicinity of the premises, market or pitch

5.2 A representation will not be relevant if it is considered by the London Borough of Barnet to be frivolous, vexatious or repetitive or unrelated to the application.

5.3 If a relevant representation is received the London Borough of Barnet will make efforts to consult with the applicant and the person or body making the representation in an attempt to resolve any issues.

6 DETERMINATION OF THE APPLICATION

6.1 The decision to grant a new permanent street trading licence shall be determined by the Licensing Sub-Committee

6.2 The decision to renew a permanent licence can be made by an officer using delegated powers, however if the officer is unable to make a decision due to exceptional or other circumstances the application may be determined by the Licensing Sub-Committee

6.3 The decision to grant a temporary licence or a street market (for a period up to 6 months) shall be determined at officer level using delegated powers, however if the officer is unable to make a decision due to exceptional or other circumstances the application may be determined by the Licensing Sub-Committee

6.4 The London Borough of Barnet will have regard to any relevant representations received and will assess the impact of the application on the following when deciding whether to grant or refuse an application:

- Public Safety
- Crime and Disorder
- Nuisance
- Visual Amenity of the area

6.5 The London Borough of Barnet will have regard to any relevant factors that may affect the use of a licence if granted including, but not exclusively,

- the suitability of the premises from which it is intended to trade and
- the adequate provision of storage facilities for receptacles or perishable goods when street trading is not taking place.

6.6 The London Borough of Barnet will also consider whether the applicant:

- is suitable to hold a licence on the grounds of misconduct or other sufficient reason and may consider imposing penalty points on any existing licence
- has previously failed to obtain a street trading licence
- has previously held a licence that was revoked
- has previously failed to pay fees or other charges in respect of a licence

7 GRANTING THE APPLICATION

7.1 On approving an application the London Borough of Barnet may issue a permanent street trading licence or temporary street trading licence (a licence) as appropriate.

7.2 A licence will be issued subject to the London Borough of Barnet's standard conditions and shall be subject to any additional terms, plans and details contained in the application.

7.3 A licence may also be issued subject to specific conditions that the licensing authority deems reasonable and necessary.

7.4 A permanent street trading licence shall be granted for a period not exceeding 12 months.

7.5 A temporary street trading licence may be granted on a daily, weekly or monthly basis up to a maximum period of six months.

7.6 A street market may be approved for a period not exceeding six months

7.7 Each individual trader at a street market will need to apply for and hold a casual street market registration for the London Borough of Barnet. It will be the responsibility for the market operator to confirm that each trader on each day has a valid street trading licence and to provide details of the traders and licence numbers to the Licensing Authority.

7.8 The operator's authorisation will be issued subject to the London Borough of Barnet's standard conditions. The authorisation may also be issued subject to specific conditions that the licensing authority deems reasonable and necessary.

7.9 The operator may also have a number of conditions imposed on them that must be complied with for the market to continue to operate – for example confirming in advance that parking bays have been suspended.

8 REFUSING THE APPLICATION

8.1 A licence shall not be granted unless:

- The fee has been paid in full or
- An agreement in writing has been obtained from the London Borough of Barnet which contains details of the payment of the fee by instalments.

8.2 A licence shall be refused if any of the circumstances in section 25(4) of the Act apply.

8.3 A licence may be refused if any of the circumstances in section 25(6) of the Act apply. However, before a final decision is taken the London Borough of Barnet will give the licence holder or applicant a written notice of its intention to refuse the licence. The licence holder or applicant will be given an opportunity to appear before a senior officer and to make representations in respect of the matter.

8.4 A licence will not be granted if the proposed street trading pitch will not allow sufficient and safe passage for pedestrians using the footpath. In general at least 2.5 metres of clear unobstructed passage must be maintained from the roadside kerb to the outermost point of the pitch. In areas of high pedestrian use or high levels of traffic a larger clearance may be required.

8.5 A licence will not be granted for proposed street trading pitches to extend more than 1 metre from the building or onto the highway on all routes maintained by Transport for London.

8.6 A licence will not be granted if it is clear that the granting of the licence will cause significant nuisance.

Street Markets

8.7 Permission to operate a market licence may be refused if the licence holder fails to give the London Borough of Barnet notice of the intended use of the licenced street for the purposes of holding a market and/or failure to advertise the market in accordance with paragraphs 4.8 to 4.10 above.

9 EXPIRY OF THE LICENCE

9.1 A licence will expire on the date specified on the licence unless it is renewed in accordance with section 3.4 above.

9.2 A licence holder may surrender his/her licence by sending it to the London Borough of Barnet at which time it will cease to be valid and will expire.

Lapse

9.3 If a licence lapses in circumstances as defined in Section 29A of the Act the licence holder should return the licence to the London Borough of Barnet.

Succession

9.4 This section only applies to an individual licence holder of a permanent street trading licence.

9.5 If the licence holder dies or retires or is unable to continue due to ill health as described in Section 26 of the Act the London Borough of Barnet shall not grant a licence in respect of the street trading pitch until 28 days have elapsed from the date of the event

9.6 During the 28-day period, the person named as ??? by the licence holder in his/her original?? application may apply to the London Borough of Barnet for the licence to be transferred

9.7 The licence will be granted by the London Borough of Barnet in all circumstances, provided that the conditions specified in 9.5 and 9.6 above are satisfied.

10 REVOCATION OR VARIATION

Permanent street trading licence

10.1 The London Borough of Barnet may revoke a permanent street trading licence at any time if any of the circumstances in Section 28 of the Act apply.

10.2 However, having considered all the available evidence the London Borough of Barnet may decide that it is appropriate to vary the conditions of the permanent street trading licence to ensure that compliance with the legislation and licence conditions is achieved.

10.3 Before a decision is taken the London Borough of Barnet will give the licence holder written notice of its intention to revoke or vary the licence.

10.4 The licence holder will then be given an opportunity to appear before a senior officer within 21 days and to make representations in respect of the matter.

10.5 The senior officer will consider the representations before a decision is made.

10.6 The senior officer will also have regard to this policy in particular section 7 before making a decision.

Temporary Street Trading Licence

- 10.7 The London Borough of Barnet may revoke or suspend the use of a temporary licence on land within 7 metres of any road or footway as described in section 21 (1)(b) on the grounds of safety or nuisance
- 10.8 If the London Borough of Barnet revokes or suspends the temporary licence it will take effect as soon as this is notified to the relevant party.
- 10.9 The London Borough of Barnet will refund a proportion of the fee on a pro-rata basis less the administrative costs of granting the licence.
- 10.10 As an alternative or in addition to revocation or variation of a licence, the London Borough of Barnet may decide that other enforcement action is appropriate. This may include pursuing a criminal prosecution in accordance with the Enforcement Policy.

Temporary Street Market

- 10.11 The London Borough of Barnet may revoke or suspend the use of a temporary street market on grounds of safety or nuisance
- 10.12 The London Borough of Barnet may revoke or suspend a casual market traders registration on grounds of inappropriate conduct from the holder.
- 10.13 If the London Borough of Barnet revokes or suspends either the market operators authorisation or casual market traders registration it will take effect as soon as this is notified to the relevant party.
- 10.15 The London Borough of Barnet will refund a proportion of the market fee on a pro-rata basis less the administrative costs of granting the licence There will be no refund on fees in relation to casual market trader registrations.

11 FEES AND CHARGES

- 11.1 The London Borough of Barnet will set the fees for all street trading licences to recover its reasonable administrative and enforcement costs. The cost of street cleaning and other appropriate costs will also be considered when setting the fee.
- 11.2 The fees will be reviewed annually and before any changes are made the London Borough of Barnet will consult with all licence holders and publish a notice of the proposed charges in a local newspaper.
- 11.2 The consultation will last for a period of 28 days from the publication of the notice in the newspaper.
- 11.3 Before a final decision is made the London Borough of Barnet will consider any representations received during the consultation period.

11.4 After a final decision is made, the London Borough of Barnet will inform all licence holders and publish a notice of the fees and charges in a local newspaper.

11.5 The fees and charges will take effect no less than 28 days after the publication of the notice.

11.6 If an application fee is paid by cheque, the fee shall not be deemed to have been paid until the funds have cleared.

12 DECISIONS

12.1 The reasons for any decision(s) taken by the London Borough of Barnet in respect of an application for a licence will be provided in writing to all parties to the proceedings within 7 days of the decision.

12.2 Decisions will be taken having regard to this Street Trading Policy and Part III of the London Local Authorities Act 1990 (as amended).

13 APPEALS

13.1 Any appeal against the decision of the London Borough of Barnet in respect of the grant, variation, revocation or refusal to grant a permanent licence may be made to the magistrate's court under the provisions of section 30 of the London Local Authorities Act 1990.

13.2 There is no right of appeal in respect of temporary street trading licences.

14 ENFORCEMENT

14.1 Any enforcement action instigated by the London Borough of Barnet will be in accordance with the Act and the current Enforcement Policy.

15 UNLICENSED STREET TRADING

15.1 Unlicensed street trading can have a negative impact on legitimate street traders and the community as a whole and will not be tolerated by the London Borough of Barnet.

15.2 If an authorised officer suspects that a person has committed an offence of unlawful street trading he may take appropriate action in line with the current

enforcement policy which may also involve the seizure of any article or thing deemed necessary.

- 15.3 Before taking any formal action the authorised officer will identify him/herself by showing their identification and authorisation.

16 MOTOR VEHICLES

- 16.1 The sale or exposure for sale of a motor vehicle or motorcycle in a street is prohibited.
- 16.2 If you are in the motor trade business and you offer a vehicle for sale on the internet at the same time as keeping the same vehicle on the public highway this is also classified as street trading and prohibited.
- 16.3 If an authorised officer identifies a vehicle that is exposed or advertised for sale on the street the may affix a notice to the windscreen or other part of the vehicle requiring the registered owner to remove the vehicle within 24 hours.

17 DATA PROTECTION, FREEDOM OF INFORMATION AND DATA MATCHING

- 17.1 The London Borough of Barnet London Borough of Barnet is the Data Controller of all personal information held by the licensing authority. The London Borough of Barnet will process and hold that information in accordance with principles of the Data Protection Act 1998.
- 17.2 The information supplied and held as part of the street trading application and enforcement processes may be disclosable in accordance with the Freedom of Information Act 2000 or Environmental Information Regulations 2004.
- 17.3 The information supplied in all applications will be given to the Audit Commission to participate in the National Fraud Initiative (NFI) data matching exercise and will be used for cross-system and cross authority comparison with other relevant organisations' data for the prevention and detection of fraud.

Appendix 2

Result from consultation on street trading policy

Street Trading Policy Consultation

To what extent do you agree or disagree with the street trading policy? (Please tick one option only)

Answer Options	Response Percent	Response Count
Strongly agree	0.0%	0
Tend to agree	0.0%	0
Neither agree nor disagree	66.7%	2
Tend to disagree	33.3%	1
Strongly disagree	0.0%	0
Don't know	0.0%	0
<i>answered question</i>		3
<i>skipped question</i>		0

Q2 Please give reasons for this? (Please write in your answer).

Answered: 3 Skipped: 0

3

Responses Date	Department Response
The policy's seem to be only for current street traders not the people with shops who take up half the high way and show no regard	The policy is in relation to street trading and is centred around the application process. Any enforcement action would be taken in line with our enforcement policy. Which is a separate policy. This is stated in this policy.
X	
Question too generic & policy too long to read. Could you just summarise the changes being consulted on?	If the respondant had contacted us we would have been able to provide this information. We appreciate their feedback on specific information on the changes and will ensure this is incorpoaredted into future consultations.