
Meeting	Licensing Committee
Date	11 July 2012
Subject	Licensing Authority – volumes of applications 2011-12
Report of	Interim Director of Environment, Planning and Regeneration
Summary	This is a report on the volumes of applications that have been received into the Licensing Department in 2011-2012 as compared to 2010-2011

Officer Contributors	Emma Phasey, Trading Standards and Licensing Manager
Status (public or exempt)	Public
Wards Affected	All
Key Decision	N/A
Reason for urgency / exemption from call-in	N/A
Function of	Council
Enclosures	Appendix 1 – Report on the work flows of the Licensing Authority.
Contact for Further Information:	Emma Phasey Trading Standards and Licensing Manager Emma.phasey@barnet.gov.uk

1. RECOMMENDATIONS

- 1.1 That the Licensing committee consider and note the following report on the volumes of work into the licensing department in relation to applications for 2011-2012.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Council decision of the 14/12/2010 to adopt the current Licensing Policy and the associated scheme of delegation.
- 2.2 Decision on 15 December 2009 by Council on recommendation of Licensing Committee, to adopt the current Gambling Policy and associated scheme of delegation.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 Timely legal and fair decisions support objectives contained within the Corporate Plan. In particular in relation to a “successful London suburb” by ensuring that only legal, well regulated licensable activity occurs within the borough.

4. RISK MANAGEMENT ISSUES

- 4.1 It is prudent to monitor performance to ensure that the Licensing function is delivered efficiently and effectively.
- 4.2 In particular it is important for the Licensing Authority to monitor the number of appeals made against decisions and the outcomes of these appeals. Low levels of appeals and instances of the Courts upholding the Licensing Authorities decisions are good indicators that the Licensing Authority is making made legal and fair decisions within statutory timescales

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The Council has a legal obligation 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.
- 5.2 When considering applications and representations, only issues provided for in the relevant legislation and associated Guidance, in addition to the licensing authority’s 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.
- 5.3 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. Guidance will only be issued and conditions will

only be imposed that are reasonable, proportionate and strictly necessary for the promotion of the four licensing objectives.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

6.1 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. The costs associated with this work are met within existing budgets.

7. LEGAL ISSUES

7.1 The Licensing Act 2003 placed the responsibility for making local licensing policies and considering applications for licenses on local authorities acting as licensing authorities. The Gambling Act 2005 performed a similar role in respect of gambling premises.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

8.1 The Council's constitution Part 3 "Responsibility for Functions" Section 2 "Responsibility for Council Functions" 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.
- Agreeing increases to fees and charges for licence applications under the Gambling Act 2005.
- Applications and appeals and revocations relating to Sex Shops, Sex Cinemas and Sex Encounter Establishments
- Applications, appeals and revocations relating to Special Treatment Licenses.
- Application for film classification for films shown within the Borough
- Gaming, entertainment, food and miscellaneous licensing including functions relating to:
 - street trading including the designation of permanent pitches for street trading
 - Safety at sports ground certification.

9. BACKGROUND INFORMATION

9.1 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.

- 9.2 The Gambling Act 2005 makes the Council the licensing authority for gambling premises in the Borough. 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.
- 9.4 There are currently 72 gambling premise licences in the borough. There are approximately 34 permits and 75 Small Society Lottery registrations
- 9.5 Attached at Appendix 1 is information on the volumes of work undertaken in relation to applications by the Licensing Authority in 2011-2012.
- 9.6 A comparison of the work flow in 2010-2011 and 2011-2012 shows that the volume of work remains fairly static.
- 9.7 There has been a slight increase in the number of Temporary Event Notices. This has been a trend over the past few years and is likely a result of more premises becoming aware of the existence of TENs and the fact they can be used to cut "red tape" for one off activities. They are also often used by premises to "test the water" in relation to an extension in hours/activities or by premises to authorise activities pending the grant of a licence.
- 9.8 The data indicates that there has been a slight decrease in the number of sub committees held and also an increase in the number of applications withdrawn prior to a hearing. This is a reflection of the work that the Licensing team and the responsible authorities have been actively undertaking to resolve many of the issues at officer level prior to the sub committee hearing. This partnership working will continue into 2012-2013.
- 9.9 In relation to appeals of decisions there was a slight decrease in the number of requested appeals in 2011-2012. It is important to note that in relation to all appeals during the past 2 years the court has either upheld the licensing sub committee decision or accepted the settlement agreed by the Licensing Authority prior to the court hearing.

Appendix 1

Report on the work flows of the Licensing Authority.

Licensing Department

The licensing team received the following applications in the past 2 years:

Premises licences (Licensing Act):

	Apr 10 - Mar 11	Apr 11 - Mar 12
NEW PREMISES LICENCES	53	54
VARIATIONS TO PREMISES LICENCE	16	14
TRANSFER OF PREMISES LICENCE	69	59
DPS VARIATION	148	154
MINOR VARIATION	19	16
DUPLICATE/CHANGE OF DETAILS	61	50
NOTIFICATION OF INTEREST	7	6
REVIEW	5	3

Temporary Events:

	Apr 10 - Mar 11	Apr 11 - Mar 12
TENS	440	500

Personal Licences (Licensing Act)

	Apr 10 - Mar 11	Apr 11 - Mar 12
NEW PERSONAL LICENCES	286	263
CHANGE ADDRESS/DETAILS PERSONAL LICENCE	56	51
DUPLICATE	22	20

Premises Licences (Gambling Act):

	Apr 10 - Mar 11	Apr 11 - Mar 12
NEW PREMISES LICENCE	1	4
VARIATION	1	4
TRANSFER	5	3
DUPLICATION	4	0
REINSTATEMENT	1	0
PROVISIONAL STATEMENTS	0	0
CHANGE ADDRESS/DETAILS	0	0

Permits (Gambling Act):

	Apr 10 - Mar 11	Apr 11 - Mar 12
NOTIFICATION OF TWO MACHINES(LICENSED PREMISES)	11	5
PERMIT NEW	7	1
PERMIT VARIATION	1	0
PERMIT – CHANGE OF DETAILS	1	0
PERMIT TRANSFER	1	0
LOTTERIES NEW	12	16

Street Trading

	Apr 10 - Mar 11	Apr 11 - Mar 12
TEMPORARY STREET TRADING	65	173
INVALID/PENDING STREET TRADING LICENCES	25	20
TEMPORARY MARKETS	1	7
PERMANANT PITCH LICENCES	6	5

Licensing Sub Committee

In 2011-12 the following sub committee hearings have taken place.

	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR
LICENSING ACT HEARINGS	3	0	1	0	0	0	2	0	1	2	2	0
LICENSING ACT REVIEW HEARINGS	1	0	0	1	0	0	1	0	0	0	0	0
GAMBLING ACT HEARINGS	0	0	0	0	0	0	0	0	0	0	0	0
GAMBLING ACT REVIEW HEARINGS	0	0	0	0	0	0	0	0	0	0	0	0

In 2010/11 the following sub committee hearings have taken place.

	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR
LICENSING ACT HEARINGS	3	1	1	1	1	0	1	0	4	2	0	1
LICENSING ACT REVIEW HEARINGS	0	0	0	0	1	0	0	0	1	1	0	2
GAMBLING ACT HEARINGS	0	0	0	0	0	0	0	0	0	0	0	0
GAMBLING ACT REVIEW HEARINGS	0	0	0	0	0	0	0	0	0	0	0	0

	Apr 10 - Mar 11	Apr 11 - Mar 12
LA03 - Premises – sub committee hearings	15	10
LA03 - TENs – sub committee hearings	0	1
Hearing cancelled - inquorate	0	1
Hearing cancelled - adjourned	1	0
Hearing cancelled – application withdrawn	1	4
Reviews	4	3
Appeals	2	1
Appeal result – upheld Committee decision	1	1
Appeal result – upheld Licensing authority settlement	1	0