

**MEETING**

**LICENSING COMMITTEE**

**DATE AND TIME**

**MONDAY 18TH JULY, 2022**

**AT 7.00PM**

**VENUE**

**COMMITTEE ROOM 1, HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ**

**TO: MEMBERS OF LICENSING COMMITTEE (Quorum 3)**

Chair: Councillor Claire Farrier  
Vice Chair: Councillor Danny Rich

Richard Barnes  
Andrea Bilbow OBE  
Philip Cohen  
Alison Cornelius

Val Duschinsky  
Eva Greenspan  
Jennifer Grocock  
Anne Hutton

Barry Rawlings  
Zakia Zubairi

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is Wednesday 13 July 2022 at 10AM. Requests must be submitted to [governanceservice@barnet.gov.uk](mailto:governanceservice@barnet.gov.uk)

**You are requested to attend the above meeting for which an agenda is attached.**

**Andrew Charlwood – Head of Governance**

Governance Service contact: Pakeezah Rahman [pakeezah.rahman@barnet.gov.uk](mailto:pakeezah.rahman@barnet.gov.uk) 020 8359 6452

Media Relations Contact: Tristan Garrick 020 8359 2454 [Tristan.Garrick@Barnet.gov.uk](mailto:Tristan.Garrick@Barnet.gov.uk)

**ASSURANCE GROUP**

*Please consider the environment before printing.*

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes	5 - 8
2.	Absence of Members	
3.	Disclosable Pecuniary interests and Non Pecuniary interests	
4.	Report of the Monitoring Officer (if any)	
5.	Public Question and Comment (if any)	
6.	Members Item (if any)	
7.	Commercial Dog Walking Licensing Regime	9 - 16
8.	Licensing Authority - Annual Report on Licensing Application	17 - 36
9.	Film Classification Policy	37 - 42
10.	Pavement Licence Update	43 - 48
11.	Any item(s) that the Chairman decides is urgent	

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## Decisions of the Licensing Committee

10 November 2021

Members Present:-

AGENDA ITEM 1

Councillor John Marshall (Chairman)

Councillor Linda Freedman  
Councillor Val Duschinsky  
Councillor Lachhya Gurung  
Councillor Wendy Prentice

Councillor Claire Farrier  
Councillor Zakia Zubairi  
Councillor Danny Rich

### Apologies for Absence

Councillor John Hart  
Councillor Barry Rawlings

Councillor Gabriel Rozenberg  
Councillor Nick Mearing-Smith

#### 1. MINUTES

**RESOLVED** that the minutes of the meeting held on 12 July 2021, be agreed as a correct record.

#### 2. ABSENCE OF MEMBERS

Councillors Hart, Mearing Smith, Rawlings and Rozenberg.

#### 3. DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS 4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

#### 5. PUBLIC QUESTIONS AND COMMENTS (IF ANY)

None.

#### 6. MEMBERS ITEMS (IF ANY)

None.

#### 7. REVISED GAMBLING STATEMENT OF PRINCIPLES (POLICY)

The Chairman introduced the report, which related to the outcome of recent consultation to a revised Gambling Act Statement of Principles (Policy) which, if approved by the Committee, would come into effect on Friday 28 January 2022.

It was noted that there had been some responses, but there were no changes to policy.

**RESOLVED that**

1. **The policy, as detailed in Appendix 1, be approved;**
2. **It be recommended that the policy be adopted at the next full meeting of Council.**

**8. SPECIAL TREATMENT LICENSING POLICY**

The Chairman introduced the report, regarding the outcome of the recent consultation in relation to a new policy for Special Treatments Licences which, if approved by the committee would take effect on 1st January 2022.

It was noted that there had been no changes to the policy and no responses to consultation.

Members asked if treatments such as Botox were included in the policy, as they had some concerns relating to this.

Officers replied that such treatments weren't covered by the policy but were overseen by medical practitioners, although it wasn't a requirement for a medical practitioner to administer treatments.

There were also joint working arrangements in place to deal with any concerns.

**RESOLVED that the policy, as detailed in Appendix 1 of the report, be approved by the Committee**

**9. LICENSING COMMITTEE REPORT ON WALKERS OF MULTIPLE DOGS**

The Chairman expressed concern that a formal report was not available for this meeting and the Group Manager apologised and gave an assurance that this would not be repeated in future.

Officers gave a verbal update on the current situation and the options being looked at with a formal report being submitted to the February 2022 meeting.

Members were invited to contact Officers with any concerns they had about this issue.

An informal briefing note would also be circulated to Members after this meeting.

**RESOLVED that the update be noted.**

**10. FORWARD WORK PROGRAMME**

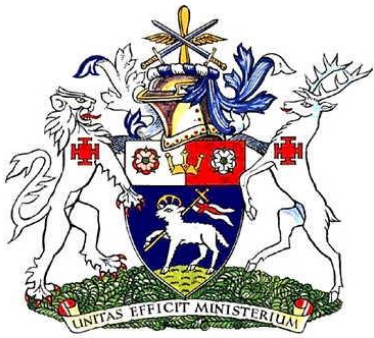
**RESOLVED that the Work Programme be noted.**

11. **ANY ITEM(S) THAT THE CHAIRMAN DECIDES IS URGENT**  
**NONE.**

The meeting finished at 7.29pm

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## Licensing Committee AGENDA ITEM 7

18<sup>th</sup> July 2022

<b>Title</b>	<b>Licensing Committee report on walker of multiple dogs</b>
<b>Report of</b>	Executive Director of Assurance
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	No
<b>Enclosures</b>	None
<b>Officer Contact Details</b>	James Armitage Regulatory Services Director James.armitage@ <a href="mailto:barnet.gov.uk">barnet.gov.uk</a>

### Summary

This report provides Members with an overview of the of dog walking in the borough and information about how this is regulated and enforced by other boroughs.

### Officers Recommendations

1. That the Licensing Committee consider this report and confirm whether officers should progress with the drawing up of a Commercial Dog Walking Licensing regime which will be prepared for the Licensing Committee late 2022.

## 1. Why this report is needed

- 1.1 The previous committee considered this paper and instructed the council to carry out an assessment and prepare recommendations for the implementation of a licensing scheme that controls the level of commercial dog walking in Barnet's green spaces.
- 1.2 This report is asking the Licensing Committee to consider progressing a proposal to introduce a new licensing scheme for professional dog walkers using Barnet's parks and open spaces on behalf of their clients
- 1.3 This scheme was intended to be linked to the public space protection order currently under implementation by the community safety team.
- 1.4 Dog walking for commercial purposes (commercial dog walkers) is a growing business which requires minimal to no experience. There is very little control in relation to commercial dog walkers use of public land and rights of way. Many commercial dog walkers walk multiple dogs at once (on some occasions up to twenty at a time) and many of these are off the lead. This number of dogs off the lead are considered uncontrollable and could be dangerous.
- 1.5 Many people are entering this profession as it is high reward for very little time. A person working five days a week, for two hours per day charging up to £20 per dog. This would equate to an income of around £2000 per month with little outlay.
- 1.6 Commercial dog walkers view green areas such as parks, open spaces and wooded areas as ideal locations to carry out their services, which makes the London Borough of Barnet a prime location for both residents of the borough and non-residents to engage in commercial dog walking due to an abundance of green spaces.
- 1.7 Often, dog walkers meet and walk dogs together. This can mean a lot of dogs off the lead together in one location which may cause intimidation and or the fear of being attacked or injured. Recently an incident was reported of an alleged pack of dogs attacking another dog owner who was protecting their own hound.
- 1.8 Section 10(3) of the Dangerous Dogs Act 1991 states "For the purposes of this Act a dog shall be regarded as dangerously out of control on any occasion on which there are grounds for reasonable apprehension that it will injure any person"
- 1.9 Alongside this there has been an increase in dog fouling in Barnet's parks and open spaces. It is not possible for lone dog walkers to watch and monitor a large number of dogs at one time, particularly if some are off lead. This subsequently leads to defecation when out of sight of the individual responsible for the animals, which will not be picked up.
- 1.10 The Dogs Trust recommend that a walker should walk no more than four dogs at any one time, and most insurance companies will not insure a person for more than six dogs at a time. In partnership with the RSPCA, they have produced guidelines for commercial dog walkers, however there is little recognition of this in the commercial dog walking community.
- 1.11 At present the London Borough of Barnet does not have any licenses or monitoring systems in place for commercial dog walkers.

- 1.12 There are some open spaces that had Public Space Protection Orders (PSPO) in place until May of 2021. These orders were brought in to protect the open space and their users, preventing persistent or ongoing activities that have a detrimental effect on residents, such as dog fouling or intimidation. These orders and any enforcement powers in relation to them were made under The Crime and Policing Act 2014
- 1.13 Enforcement powers were attached to the PSPO in relation to the number of dogs being walked, which included a written warning on the first breach (no more than 4 dogs at any one time and only 2 off the lead). If breached further, a Community Protection Notice (CPN) could be issued which would then be followed up with a fine of up to £1000. An authorised officer can also issue fines of up to £100 for dog fouling.
- 1.14 The Community Safety team are preparing a new PSPO consultation where they will be consulting on 6 dogs with 2 on lead for professional dog walkers. This is subject to change dependant on the consultation response.
- 1.15 LBB currently has a bye law that restricts the walking of dogs from some of its green spaces.
- 1.16 London Borough of Barnet can issue an Animal Welfare Licence for dog boarding (overnight) and dog sitting (daytime only), which do not currently include standard conditions related to dog walking.
- 1.17 In London, several authorities have introduced dog walking licences for a maximum of 6 dogs by commercial dog walkers. These have been introduced using a combination of public space protection orders and bye laws under the following legislation:
- Open Spaces Act 1906
  - Local Government Act 1972, S235
- 1.18. Boroughs such as Bromley, Ealing, Hammersmith and Fulham, Hillingdon, Lambeth, Lee Valley and Wandsworth have all introduced annually charged licenses of which their charges vary (between £175-£300 yearly).
- 1.19 Some charge one amount for residents of the borough (£175) and an increased charge for non-residents (between £250-£300). The number of dogs is limited to between 4 and 6. Licence holders must register themselves with the borough, must have valid insurance to participate in their duties and are listed on the boroughs website. There is an on-the-spot FPN (£100) issued for not having or failing to produce the required licence when requested to by an authorised officer.
- 1.20 These boroughs also set a limit on how many licenses are issued per year (between 40 and 75). This reduces the number of commercial dog walkers in their boroughs.

## **2. Options available**

- 2.1 The committee has the following options:
- a) Do nothing – This would not address the issue and may exacerbate the ongoing problems.

- b) Seek to Implement a licensing scheme – this would look to limit the number of commercial dog walkers in the borough and provide a framework to enforce against unprofessional conduct, locally, in this business sector and provide funding to enforce conditions against irresponsible business and animal welfare practices.
  - c) Seek to implement a public space protection order (PSPO) – this would help reduce overall antisocial dog walking practices and would need to be enforced using currently established resources. Some funding may be available through the issuing of fixed penalty notices.
  - d) Seek to implement a combined PSPO and Licensing scheme – this would provide a comprehensive regulatory framework to reduce the number of incidents of antisocial and poor commercial dog walking practices leading to intimidation, fear of attack and fouling. This provides funding to regulate commercial activity, allows the council to set appropriate numbers of dogs being walked at any one time based on the resources available to the business.
- 2.2 Officers of the Community Safety Team are proposing to carry out a public consultation into various matters and propose to implement a new PSPO which will seek to limit the number of dogs that can be walked in green spaces. This consultation will allow the council to gauge public expectation in relation to this issue.
- 2.3 The existing controls could be left in place and not replaced by both a licensing scheme and the amended Public Spaces Protection Orders. This is not recommended as the number of professional dog walkers are increasing, as have the number of dogs under their control. Robust controls are required to manage these operators to ensure the welfare of the dogs and to help protect our environment.

### **3. Reasons for recommendations**

- 3.1 This report is asking the Licensing Committee to consider progressing a proposal to introduce a new licensing scheme for professional dog walkers using Barnet's parks and open spaces on behalf of their clients.
- 3.2 Having a licensing scheme would mean that the licensing authority can limit the number of dogs under one person's control. This proposal would be subject to the necessary statutory process and consultation required on any changes to Public Space Protection Orders.
- 3.3 Also, the drawing up of a Commercial Dog Walking Licensing scheme, including a code of conduct and a list of conditions that would apply to all licenses, will allow the committee to decide if they wish further work to implement this scheme to be undertaken.

### **4. Alternative options considered and not recommended**

- 4.1 None

### **5. Post decision implementation**

- 5.1 Should the Licensing Committee agree to the drafting of the new Licensing scheme, further investigation will be carried out into ensuring that all necessary legal processes of introducing the scheme have been undertaken. The councils legal team will be asked to lead the implementation of a new bylaw.
- 5.2 Comprehensive documents outlining the new scheme, including the code of conduct and licence conditions will be written and presented to the Licensing Committee.
- 5.3 Further collaborative work will be taken with colleagues in the Community Safety Team following the conclusion of their PSPO consultation.
- 5.4 The results of this and the Community Safety Teams consultations will be considered along with any additional relevant information

## **6. Implications of decision**

### **6.1 Corporate Priorities and Performance**

- 6.1.1. Implementation of a Commercial Dog walking Licensing Scheme will aim to raise the standards of those walking multiple dogs in the borough. The aim is to assist in the elimination of users of public areas throughout the borough being fearful of and being intimidated by unruly dogs.
- 6.1.2. The approach being taken in relation to the issue of irresponsible dog walkers and fully supports objectives contained within the corporate plan. In particular, it promotes 'Clean, safe and well run' borough ensuring that public areas are 'healthy' for all users.

### **6.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 6.2.1. The Cost of the additional work to licence and enforce this new scheme will be covered by the fees charged.

### **6.3 Legal and Constitutional References**

6.3.1 This report is seeking to introduce a licensing scheme for the purpose of limiting the number of dogs under the control of commercial dog walkers. It is intended to introduce a regime to control this sector and it will ensure that commercial dog walkers are licensed to ensure the safety and welfare for the dogs in their care and to others i.e. park users.

**6.3.2** There are no strict rules governing the length of the consultation period but 4-6 weeks would appear to be a reasonable period.

6.3.3 There are a set of well-established common law rules which set out the requirements of a lawful public consultation which are known as the Gunning principles. They were endorsed by the Supreme Court in the *Moseley* case. The principles can be summarised as follows:

- Consultation should occur when proposals are at a formative stage;

- Consultations should give sufficient reasons for any proposal to permit intelligent consideration;
- Consultations should allow adequate time for consideration and response;
- The product of consultation should conscientiously be taken into account by the decision maker.

6.3.4 There are a number of judicial review cases which involved successful challenges to the lawfulness of a consultation undertaken by a public authority so it is imperative that the Gunning principles are closely followed in this case.

6.3.5 In London several authorities have introduced dog walking licences for up to 6 dogs by professional dog walkers. These have been introduced using a combination of public space protection orders and bye laws under the following legislation:

- Open Spaces Act 1906
- Local Government Act 1972 S235

6.3.6 The Council's constitution, Article 7 Committees, Forums, Working Groups and Partnerships May 2022 details the functions of the licensing committee to include: "All policy matters relating to licensing, with licensing hearings concerning all licensing matters delegated to sub-committees."

## 6.4 **Insight**

6.4.1. Not relevant to this report

## 6.5 **Social Value**

6.5.1. Not relevant to this report

## 6.6 **Risk Management**

6.6.1. None

## 6.7 **Equalities and Diversity**

6.7.1. 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.

6.7.2. An EQIA will be completed should the decision be made to progress with the dog walking licence scheme

## 6.8 **Corporate Parenting**

6.8.1. Not applicable in the context of this report

## **6.9 Consultation and Engagement**

- 6.9.1. Although no consultation has taken place to date, should the committee decide to progress with the proposed Commercial Dog Walking Licensing scheme, the Council will be required to consult with certain individual and bodies outlining scope of the scheme approved by the committee.
- 6.9.2. Should the committee decide to progress with the Commercial Dog Walking Licensing scheme the licensing team will report back to the November committee outlining the proposed scheme and highlighting any roadblocks that could delay the progress of its introduction (e.g. need for amendments to or inclusion of new bye laws)
- 6.9.3. Once we are in a position to start a consultation it will be in the form of a 6 - 8 week consultation targeting specific groups and outlining the proposed Commercial Dog Walking Licensing scheme.
- 6.9.4. The consultation document will be sent to all identified appropriate parties and will include the Metropolitan Police, Green Spaces Department and Local Ward Councillors

## **6.10 Environmental Impact**

- 6.10.1. There are no direct environmental implications from noting the recommendations. Implementing the recommendations in the report will lead to a positive impact on the Council's carbon and ecology impact, or at least it is neutral.

## **7. Background papers**

- 7.1 None

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## Licensing Committee AGENDA ITEM 8

18<sup>th</sup> July 2022

<b>Title</b>	<b>Licensing Authority – Annual Report on Licensing Applications</b>
<b>Report of</b>	Executive Director of Assurance
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	No
<b>Enclosures</b>	Appendix A – Volumes of work
<b>Officer Contact Details</b>	James Armitage Director of Regulatory Services <a href="mailto:James.Armitage@barnet.gov.uk">James.Armitage@barnet.gov.uk</a> <a href="tel:02083593397">020 8359 3397</a>

### Summary

This report provides Members with a summary of the volume of work that the London Borough of Barnet, as a Licensing Authority has dealt with in 2021 (Calendar year).

### Officers Recommendations

1. That the Licensing Committee note the annual report of applications received by the licensing department between April 2021 and March 2022

## 1. Why this report is needed

- 1.1 The Licensing Act 2003 makes the Council the Licensing Authority for the issue of licences relating to 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 1000 licensed premises within the London Borough of Barnet.
- 1.2 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, regulated 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. There are currently approximately 55 gambling premises licenced in the borough.
- 1.3 The Licensing department process a number of other applications including:
  - Film classification
  - Street trading
  - Advertisement boards
  - Scrap metal collectors
  - Scrap metal sites
  - Explosive storage licences (fireworks)
  - Licences to sell fireworks all year round
  - Special treatments
  - Animal feed registrations
  - Animal welfare licences
  - Sex establishment premises
  - Sex entertainment venues
- 1.4 The Appendix to this report provides further detail as to the volume of applications, times the subcommittee has sat, appeals made to the Magistrates Court (in respect of applications made to the Council in its capacity as the Licensing Authority) and prosecution cases presented to the Magistrates Court by the licensing team in 2021/2022.
- 1.5 Between April 2020 – March 2021 the council received 908 applications due to the COVID-19 pandemic. The annual average number of applications received by the licensing team before this was 1605. Between April 2021 and March 2022, we received 1521 applications. This shows that the number of applications being submitted has almost returned to normal.
- 1.6 Numbers of temporary event notices received have dramatically reduced to 67, between April 2020 and March 2021 most likely due to people not holding events due to Covid-19. The average before the pandemic was 439 per year. The Licensing team have received 339 temporary event notices between April 2021 and March 2022 which shows that there has been a significant increase in number since the pandemic.

It is clear however that the numbers are not yet at pre pandemic levels and this may be due to some hesitancy exhibited by the public to hold temporary events.

- 1.7 Overall Gambling applications have remained static compared to last year, with only small numbers of applications.
- 1.8 Street trading applications have also remained fairly static overall. However, the new licences offered as a result of Covid-19 to encourage the use of the pavement at a discounted price have been very popular. 158 such licences have been applied for during this period.
- 1.9 We have had no appeals heard or made between April 2021 and March 2022.
- 1.10 Between April 2021 and March 2022, the Licensing Team have brought 15 applications to Licensing Sub-committees for determination. Of these 15 applications 14 were for Licencing Act 2003 cases and one was for a Special Treatment renewal application. A breakdown on the outcomes of these subcommittee hearing can be seen in Annex 1 – Volumes of work document.

## **2. Reasons for recommendations**

- 2.1 The data is presented to inform the Licensing Committee of the numbers and types of applications that are being processed by the Licensing department. It also highlights any legal challenges to the decisions that Sub-Committees have made and their outcomes.

## **3. Alternative options considered and not recommended**

- 3.1 None

## **4. Post decision implementation**

- 4.1 This report is for information and noting only.

## **5. Implications of decision**

### **5.1 Priorities and Performance**

- 5.1.1 The approach taken by the Licensing Authority in relation to applications fully supports objectives and promotes:
  - Clean, safe and well run – by providing good quality, customer friendly services in all that we do
  - Thriving- by supporting local businesses to benefit from improved sustainable infrastructure & opportunities

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

5.2.1 Administration and enforcement is carried out by the Licensing team in Re, together with support from HB Public Law and from the Governance Service, when arranging and co-ordinating arrangements for hearings.

5.2.2 In relation to the decisions made as the Licensing Authority there is always a risk of an appeal. However, making consistent decisions in line with agreed policies, guidance and procedures minimises this risk.

## **5.3 Legal and Constitutional Reference**

5.3.1 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.

5.3.2 Article 7 – Committees, Forums, Working Groups and Partnerships states that the Licensing Committee is responsible for all policy matters relating to licensing, with licencing hearings concerning all licencing matters delegated to sub-committees.

## **5.4 Insight**

5.4.1 Not relevant to this report

## **5.5 Social Value**

5.5.1 Not relevant to this report

## **5.6 Risk Management**

5.6.1 It is prudent to monitor performance to ensure that the Licensing function is delivered efficiently and effectively.

5.6.2 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 Authority's decisions are good indicators that the Licensing Authority is making legal and fair decisions within statutory timescales.

5.6.3 This performance report indicates that good consistent decisions are being made in good time by Barnet as the Licensing Authority.

## **5.7 Equalities and Diversity**

5.7.1 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.

## **5.8 Corporate Parenting**

5.8.1 Consider whether the decision may have a direct or indirect impact on looked after children and care leavers. If there are likely impacts, provide details and what steps have been taken to mitigate them.}

5.8.2 When considering applications, only issues provided for in the relevant legislation, in addition to the 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.

## 5.9 Consultation and Engagement

5.9.1 The information contained within this report will be published on the Local Authority website so that residents and businesses can monitor the work that is processed by the service.

5.9.2 Further performance information is provided in the quarterly report provided through Regional Enterprise Ltd delivery contact

## 5.10 Environmental Impact

5.10.1 There are no direct environmental implications from noting the report.

## 6. Background papers

6.1 [Licensing Act 2003](#)

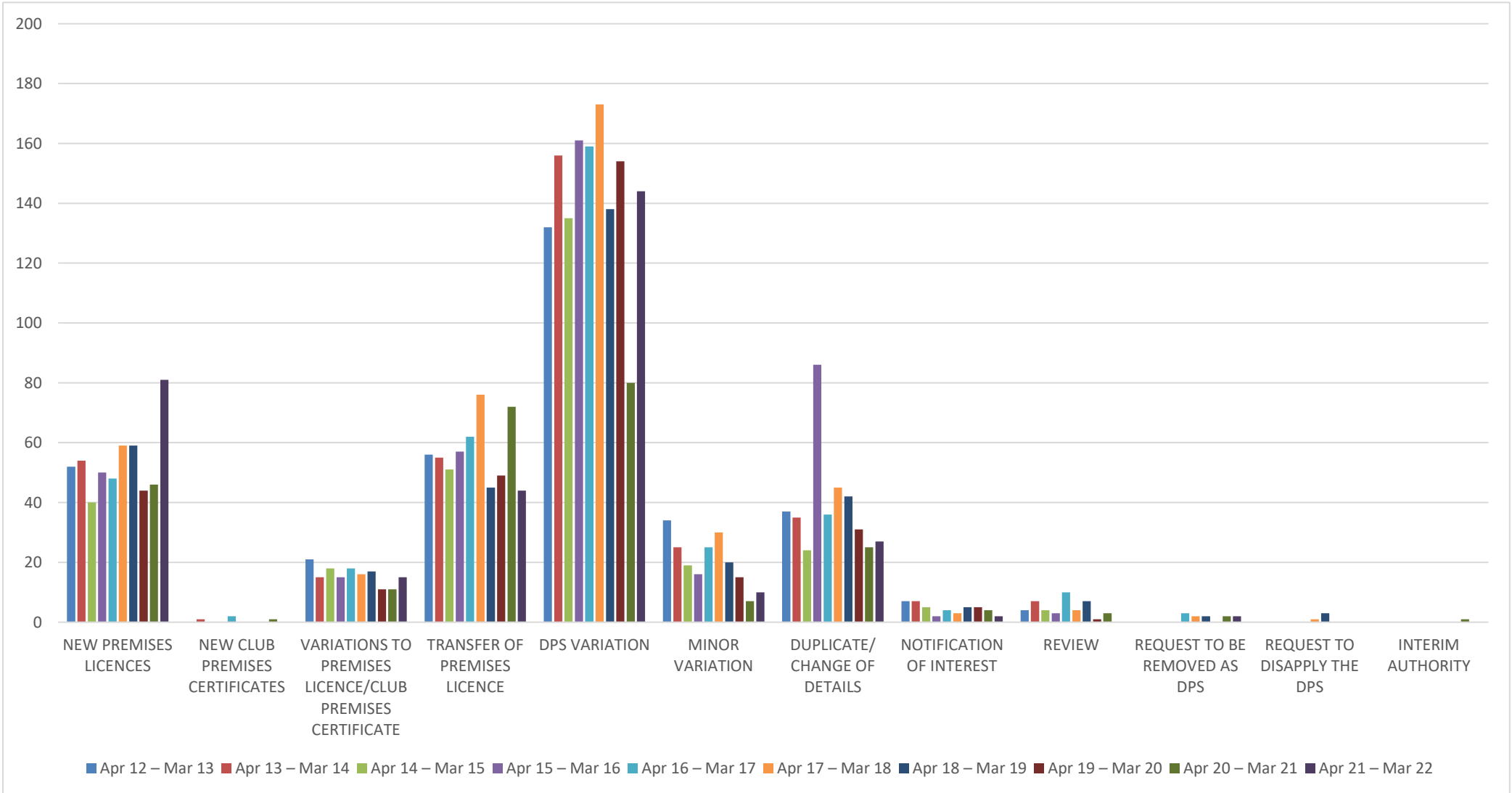
6.2 [Gambling Act 2005](#)

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## Report on the work of the Licensing Authority.

The Licensing Team received the following applications in the past 10 years:

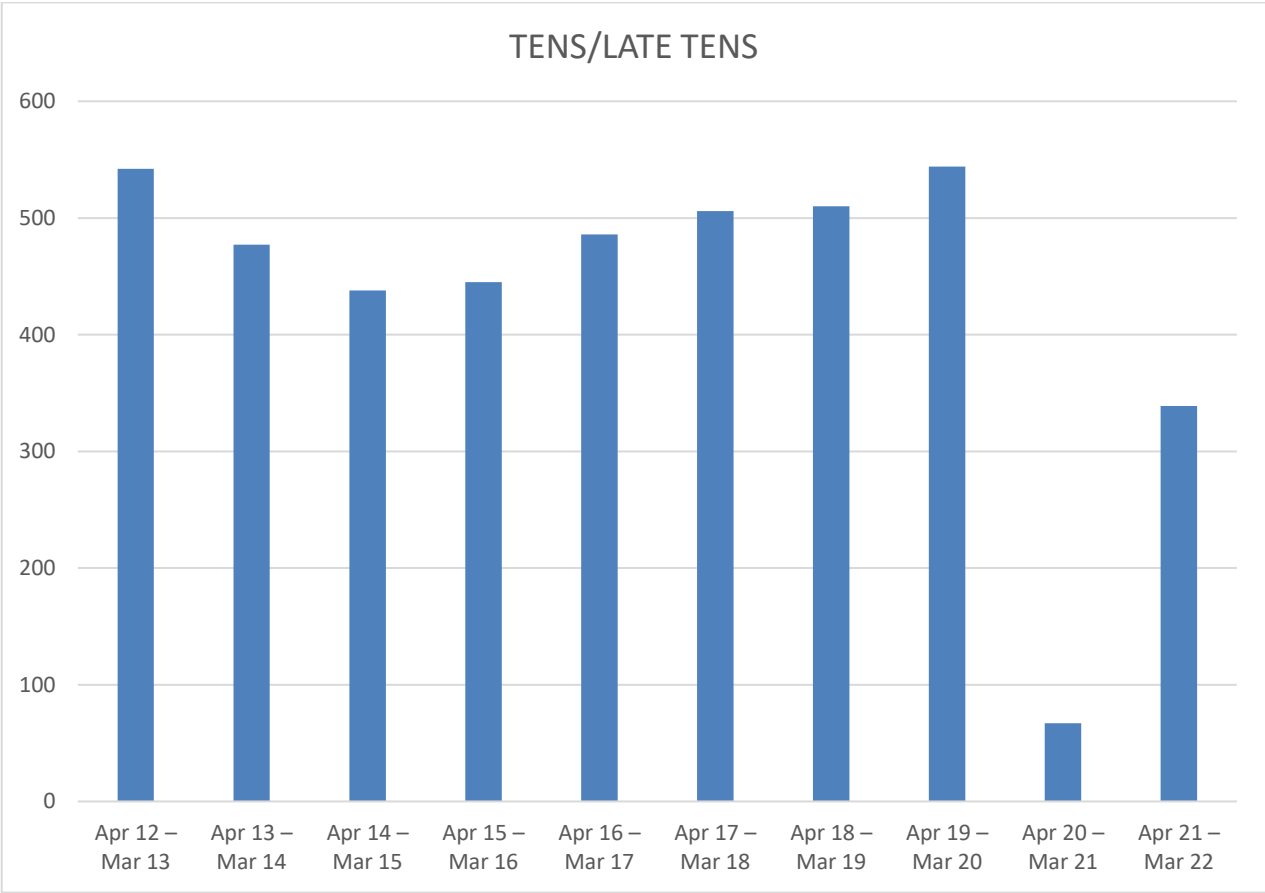
### Premises licences (Licensing Act):



	Apr 12 – Mar 13	Apr 13 – Mar 14	Apr 14 – Mar 15	Apr 15 – Mar 16	Apr 16 – Mar 17	Apr 17 – Mar 18	Apr 18 – Mar 19	Apr 19 – Mar 20	Apr 20 – Mar 21	Apr 21 – Mar 22
NEW PREMISES LICENCES	52	54	40	50	48	59	59	44	46	81
NEW CLUB PREMISES CERTIFICATES	0	1	0	0	2	0	0	0	1	0
VARIATIONS TO PREMISES LICENCE/CLUB PREMISES CERTIFICATE	21	15	18	15	18	16	17	11	11	15
TRANSFER OF PREMISES LICENCE	56	55	51	57	62	76	45	49	72	44
DPS VARIATION	132	156	135	161	159	173	138	154	80	144
MINOR VARIATION	34	25	19	16	25	30	20	15	7	10
DUPLICATE/ CHANGE OF DETAILS	37	35	24	86	36	45	42	31	25	27
NOTIFICATION OF INTEREST	7	7	5	2	4	3	5	5	4	2
REVIEW	4	7	4	3	10	4	7	1	3	0
REQUEST TO BE REMOVED AS DPS	No data recorded	No data recorded	No data recorded	No data recorded	3	2	2	0	2	2
REQUEST TO DISAPPLY THE DPS	No data recorded	No data recorded	No data recorded	No data recorded	No data recorded	1	3	0	0	0
INTERIM AUTHORITY	No data recorded	No data recorded	No data recorded	No data recorded	No data recorded	0	0	0	1	0

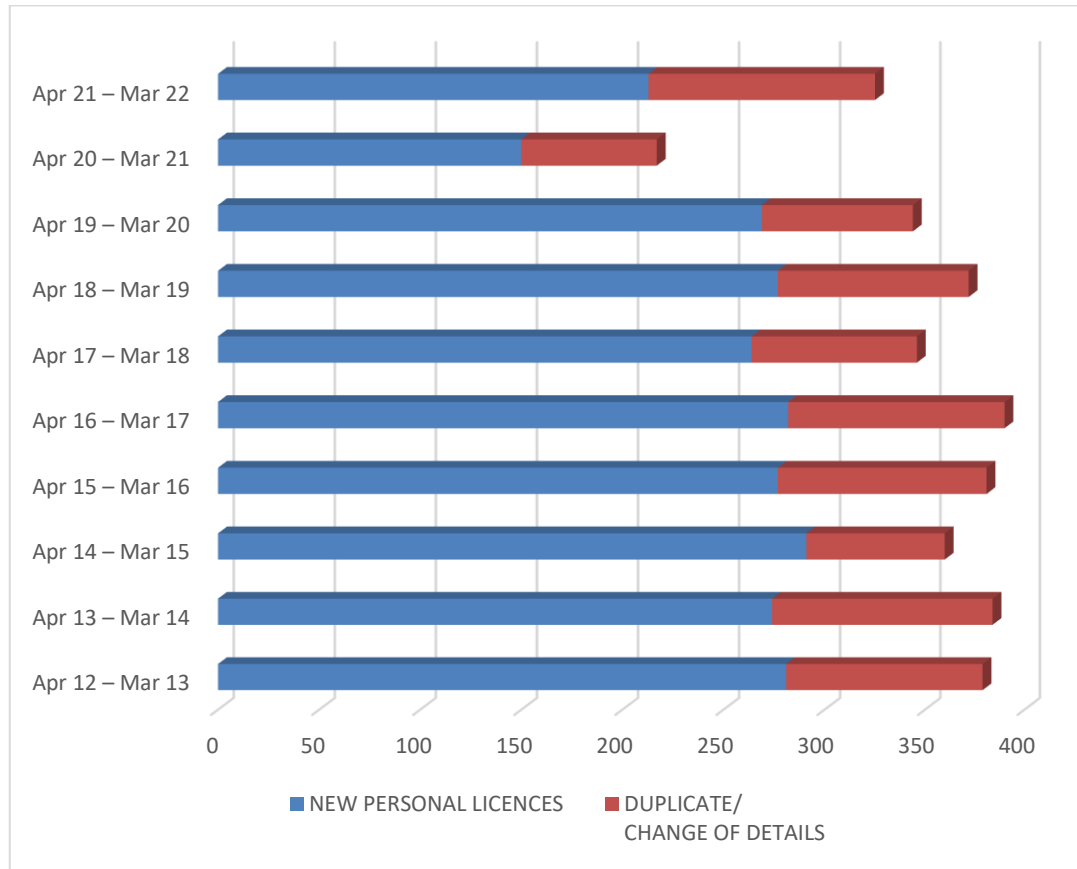


Temporary Events:



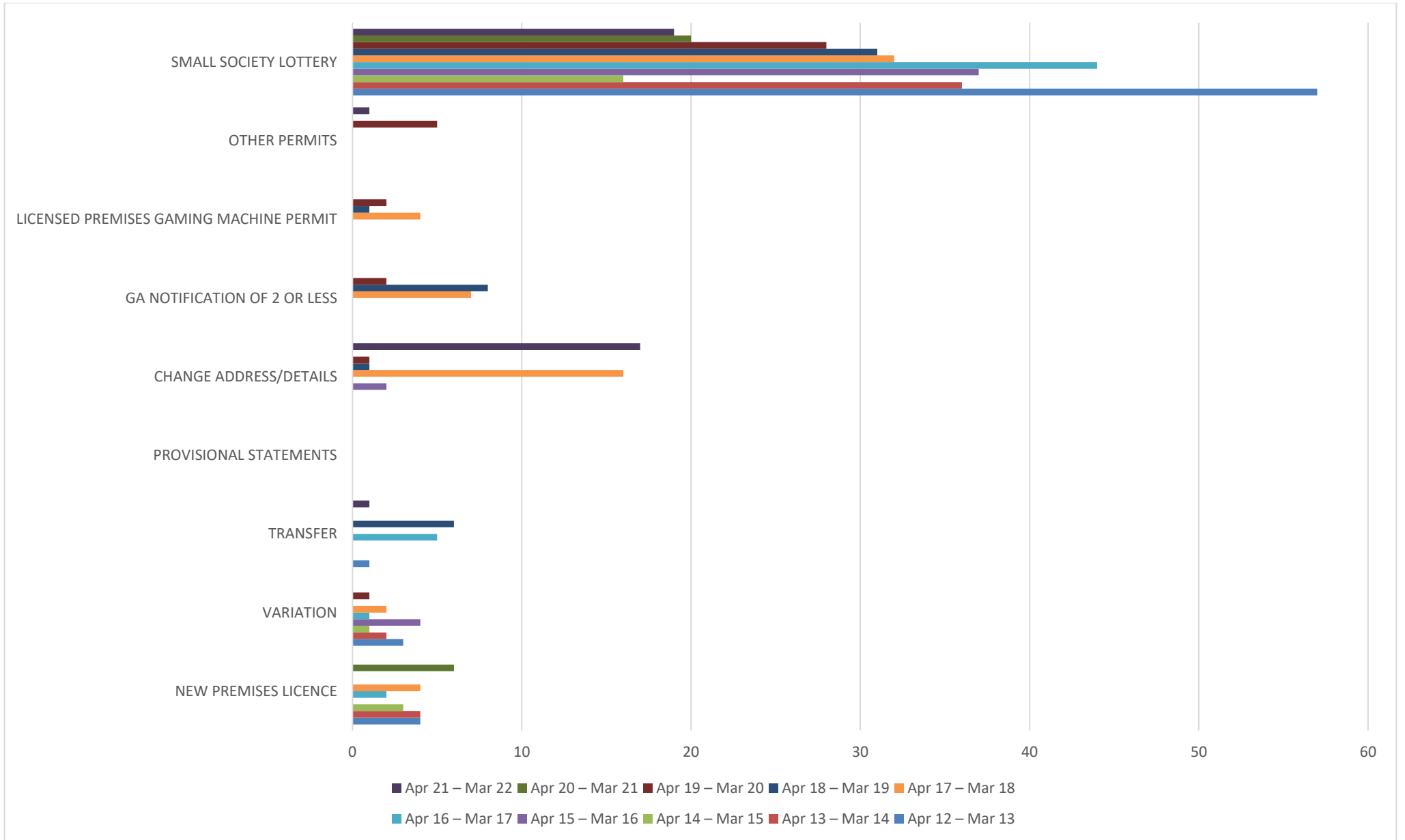
	Apr 12 – Mar 13	Apr 13 – Mar 14	Apr 14 – Mar 15	Apr 15 – Mar 16	Apr 16 – Mar 17	Apr 17 – Mar 18	Apr 18 – Mar 19	Apr 19 – Mar 20	Apr 20 – Mar 21	Apr 21 – Mar 22
TENS/LATE TENS	542	477	438	445	486	506	510	544	67	339

### Personal Licences (Licensing Act)



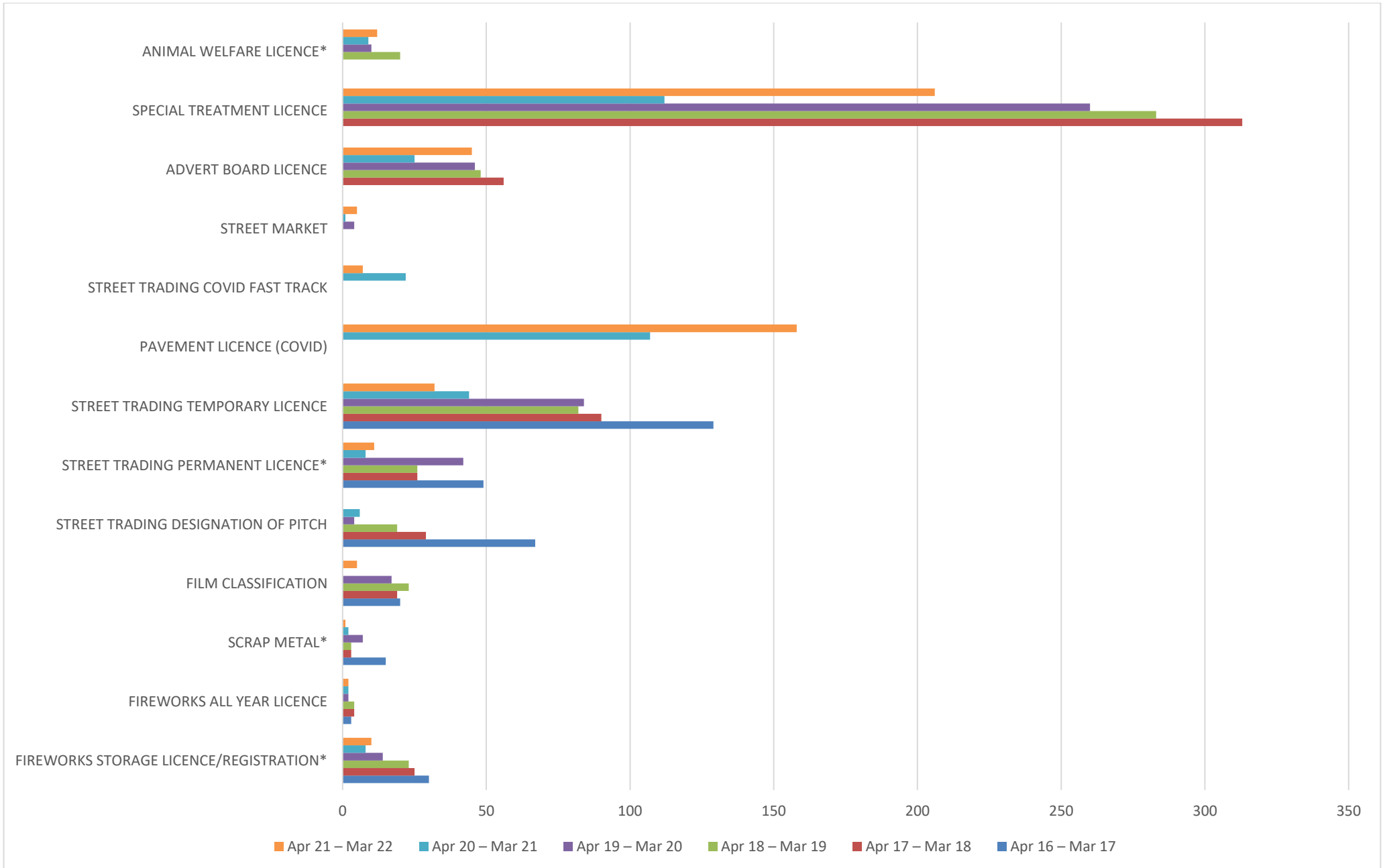
	Apr 12 – Mar 13	Apr 13 – Mar 14	Apr 14 – Mar 15	Apr 15 – Mar 16	Apr 16 – Mar 17	Apr 17 – Mar 18	Apr 18 – Mar 19	Apr 19 – Mar 20	Apr 20 – Mar 21	Apr 21 – Mar 22
NEW PERSONAL LICENCES	281	274	291	277	282	264	277	269	150	213
DUPLICATE/ CHANGE OF DETAILS	98	110	69	104	108	82	95	75	67	112

### Premises Licences (Gambling Act):



	Apr 12 – Mar 13	Apr 13 – Mar 14	Apr 14 – Mar 15	Apr 15 – Mar 16	Apr 16 – Mar 17	Apr 17 – Mar 18	Apr 18 – Mar 19	Apr 19 – Mar 20	Apr 20 – Mar 21	Apr 21 – Mar 22
NEW PREMISES LICENCE	4	4	3	0	2	4	0	0	6	0
VARIATION	3	2	1	4	1	2	0	1	0	0
TRANSFER	1	0	0	0	5	0	6	0	0	1
PROVISIONAL STATEMENTS	0	0	0	0	0	0	0	0	0	0
CHANGE ADDRESS/DETAILS	0	0	0	2	0	16	1	1	0	17
GA NOTIFICATION OF 2 OR LESS	No data recorded	No data recorded	No data recorded	No data recorded	No data recorded	7	8	2	0	0
LICENSED PREMISES GAMING MACHINE PERMIT	No data recorded	No data recorded	No data recorded	No data recorded	No data recorded	4	1	2	0	0
OTHER PERMITS	No data recorded	No data recorded	No data recorded	No data recorded	No data recorded	No data recorded	No data recorded	5	0	1
SMALL SOCIETY LOTTERY	57	36	16	37	44	32	31	28	20	19

### Other Applications:



	Apr 12 – Mar 13	Apr 13 – Mar 14	Apr 14 – Mar 15	Apr 15 – Mar 16	Apr 16 – Mar 17	Apr 17 – Mar 18	Apr 18 – Mar 19	Apr 19 – Mar 20	Apr 20 – Mar 21	Apr 21 – Mar 22
FIREWORKS STORAGE LICENCE/REGISTRATION*	48	44	42	39	30	25	23	14	8	10
FIREWORKS ALL YEAR LICENCE	No data recorded	No data recorded	2	4	3	4	4	2	2	2
SCRAP METAL*	No data recorded	50	20	2	15	3	3	7	2	1
FILM CLASSIFICATION	No data recorded	No data recorded	No data recorded	No data recorded	20	19	23	17	0	5
STREET TRADING DESIGNATION OF PITCH	No data recorded	No data recorded	No data recorded	No data recorded	67	29	19	4	6	0
STREET TRADING PERMANENT LICENCE*	No data recorded	No data recorded	No data recorded	No data recorded	49	26	26	42	8	11
STREET TRADING TEMPORARY LICENCE	162	187	125	131	129	90	82	84	44	32
PAVEMENT LICENCE (COVID)	No data recorded	No data recorded	No data recorded	No data recorded	No data recorded	No data recorded	No data recorded	No data recorded	107	158
STREET TRADING COVID FAST TRACK	No data recorded	No data recorded	No data recorded	No data recorded	No data recorded	No data recorded	No data recorded	No data recorded	22	7
STREET MARKET	No data recorded	No data recorded	No data recorded	No data recorded	No data recorded	No data recorded	No data recorded	4	1	5
ADVERT BOARD LICENCE	No data recorded	No data recorded	No data recorded	No data recorded	No data recorded	56	48	46	25	45
SPECIAL TREATMENT LICENCE	No data available	No data available	No data available	No data available	No data available	313	283	260	112	206
ANIMAL WELFARE LICENCE*	No data available	No data available	No data available	No data available	No data available	No data available	20	10	9	12

\*Licences can last up to three years

## Legal Action

### Prosecutions

The following cases were in Court between April 2021 and March 2022

Area of Licensing	Offence	Premises	1 <sup>st</sup> Hearing date	Plead	Fine	Costs	Victim Surcharge
Street Trading	Unlicensed Aboard	Kenny Metals	24-Mar-22	Guilty	£150	£100	£34
Street Trading	Unlicensed Aboard	Ijinle	24-Mar-22	Guilty	£150	£100	£34
Street Trading	Unlicensed Street Trading	Selina Quality Foods	10-Mar-22	Guilty	£900	£400	£90

### Sub Committee Hearings

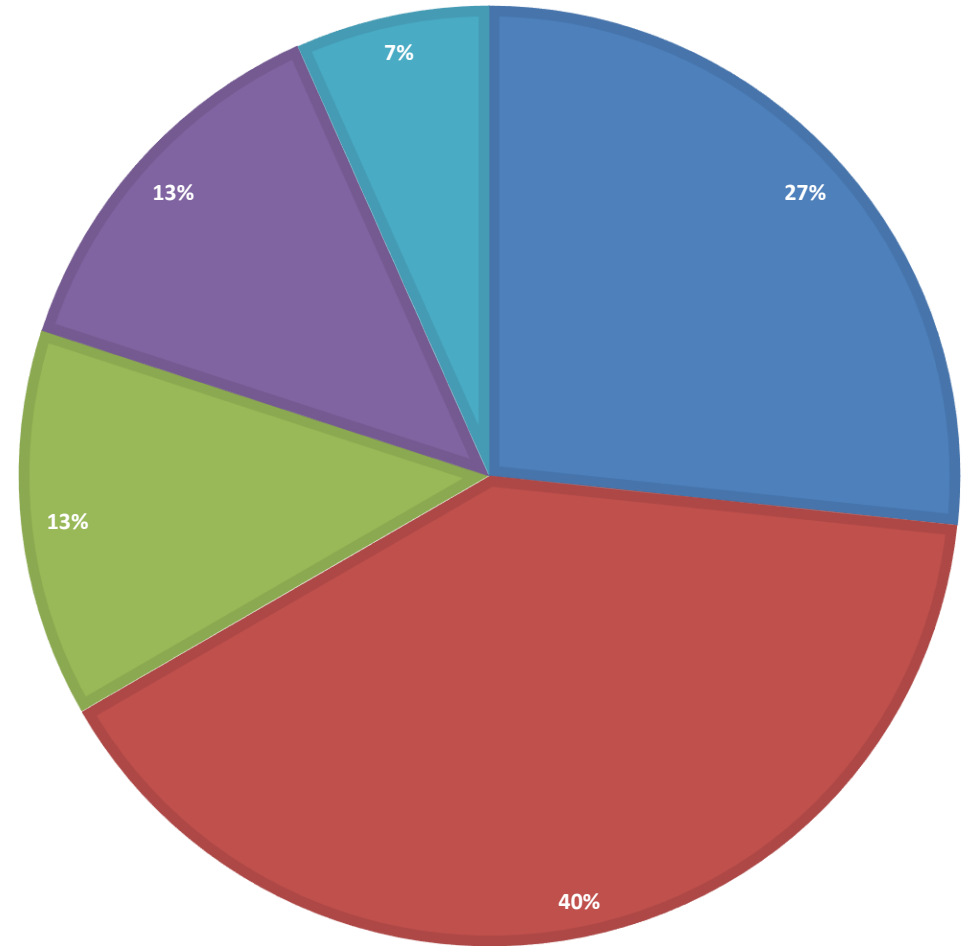
	April 2021 - March 2022	April 2020 - March 2021	April 2020 - March 2019	April 2019 - March 2018	April 2018 - March 2017	April 2017 - March 2016	April 2016 - March 2015	April 2015 - March 2014	April 2014 - March 2013	April 2013 - March 2012
LA03 - New/Variation Premises Licence	14 (2 cancelled 1 postponed)	10 (3 withdrawn 1 adjourned)	7 (1 postponed 1 withdrawn)	5	13 (6 postponed or withdrawn)	13 (2 postponed 3 cancelled)	11 (1 withdrawn 2 cancelled)	19 (5 withdrawn 1 postponed)	19	11
LA03 - Review of Premises		2	3	11	9 (4 postponed or withdrawn)	10 (2 postponed 1 cancelled)	3	4	4	3

	April 2021 - March 2022	April 2020 - March 2021	April 2020 - March 2019	April 2019 - March 2018	April 2018 - March 2017	April 2017 - March 2016	April 2016 - March 2015	April 2015 - March 2014	April 2014 - March 2013	April 2013 - March 2012
LA03 - Expedited Summary Review						1		1		
LA03 - Transfer of Premises Licence					1 (cancelled)	2 (2 cancelled)	1 (1 cancelled)	1		
LA03 - DPS Variation						2 (2 cancelled)	2 (1 cancelled)			
LA03 - TEN	2 (1 cancelled)		2 (2 withdrawn)				3 (2 cancelled)	5 (3 withdrawn)		
LA03 - Personal Licence			1 (1 postponed)							
GA05 - Gambling Apps		3			2 (2 cancelled)					
Film Classification									1	
Special Treatments	1		1		2					



**Licensing Sub Committee Outcomes – April 2021 – March 2022**

- Granted with Conditions
- Granted as applied
- Hearing Cancelled (due to either representation or application withdrawal)
- Application Rejected/Refused
- Granted with Change to licensable activities



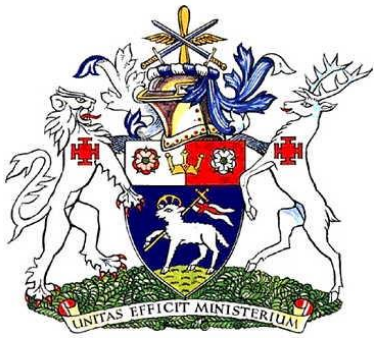
Premises Name	Premises Address	Type of application	Date of Hearing	Outcome
Way 2 Save	254 - 258 West Hendon Broadway, NW9 6AG	New Application for a premises Licence	13th April 2021	Granted with Conditions
Events at Sorting Office	2A ST GEORGES ROAD, LONDON NW11 0LR	New Application for a premises Licence	20th May 2021	Granted as applied
QUICK COMMERCE LTD	210 HIGH ROAD, EAST FINCHLEY N2 9AY	New Application for a premises Licence	7th July 2021	Granted as applied
NOIR	1302 HIGH ROAD, LONDON, N20 9HJ	New Application for a premises Licence	8th July 2021	Granted with Conditions
JET LAG GIN LTD	42 Moss Hall Grove London N12 8PB	New Application for a premises Licence	9th July 2021	Granted as applied
SEVENTEEN FISH AND CHIPS	50-52 TOTTERIDGE LANE LONDON	New Application for a premises Licence	4th October 2021	Granted with Conditions
QC Whetstone 1	1-3 Totteridge Lane	New Application for a premises Licence	<b>Cancelled</b> 29th October postponed to 1st December 2021	Cancelled due to application being Withdrawn on the 15th November 2021
Torah Tiferes Shlomoh School	NW4 2NA	Temporary Event notice	11th November 2021	Granted as applied
	14 Church Hill Road Barnet EN4 8TB.	New Application for a premises Licence	25th January 2022	Granted with Change to licensable activities
Torah Tiferes Shlomoh School	NW4 2NA	Temporary Event notice	<b>Cancelled</b> 25th January 2022	Cancelled due to agreement made between applicant and Noise Nuisance Team

CAMDEN PLAYING FIELDS SPORT SOCIAL CLUB		New Application for a premises Licence	9th March 2022	Granted as applied
EZICH KEBAB	N14 5DJ	New Application for a premises Licence	9th March 2022	Granted with Conditions
HEATHPARK HB LTD, EDGWARE HEALTH & BEAUTY	96 HIGH STREET, EDGWARE, HA8 7HF	Renewal of a Special Treatment	21st March 2022	Renewal Rejected
LARA GRILL	24 CHARCOT ROAD, COLINDALE, NW9 5ZD	New Application for a premises Licence	22nd March 2022	Granted as applied
PIZZA GO GO	12, HALLIWICK COURT PARADE, WOODHOUSE ROAD, N12 0NB	New Application for a premises Licence	22nd March 2022	Application Rejected – Appeal application submitted to Magistrates Court – Will not be heard until after this reporting period

**Appeals** - There have been no appeals heard during this reporting period.

**Closure notices** - There have been no closure notices served between April 2021 and March 2022.

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**Licensing Committee AGENDA ITEM 9**

**18<sup>th</sup> July 2022**

<b>Title</b>	<b>Revised Film Classification Policy 2022-2027</b>
<b>Report of</b>	Executive Director of Assurance
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	Yes
<b>Enclosures</b>	Appendix A – Draft revised Policy(including Application form and Application guidance Document)
<b>Officer Contact Details</b>	James Armitage Director of Regulatory Services <a href="mailto:James.Armitage@barnet.gov.uk">James.Armitage@barnet.gov.uk</a> <a href="tel:02083593397">020 8359 3397</a>

**Summary**

This report seeks approval from Members to adopt the revised 2022 - 2027 draft policy in relation to film classification

**Officers Recommendations**

- 1. That the Committee approve the revised Draft Policy and accompanying application and guidance documents**

## Why this report is needed

- 1.1 The public exhibition of all films on licensed premises must either be classified by the British Board Film Classification (BBFC) or authorised by the Licensing Authority under the powers of the Licensing Act 2003.
- 1.2 It is usual for most films to be released across the country and therefore be classified by the BBFC
- 1.3 The Licensing Authority may be required to classify a film that has not been classified by the BBFC. A typical example of this would be a locally made film to be shown at a film festival within the Borough. Therefore, the Licensing Authority must have a formal procedure in place to determine this classification.
- 1.4 The London Borough of Barnet is a culturally diverse borough and therefore being able to classify films and encourage small scale film festivals is beneficial to the whole borough.
- 1.5 The current policy for film classification was adopted in 2017. All policies within the Licensing team are informally reviewed annually with a formal review needed every five years.
- 1.6 Only minor changes have been proposed to the policy along with the inclusion of the application form and accompanying application guidance. The changes are listed below:

Section of the Policy	Amendment made
2.3	The inclusion of the word applications where 'requests' is mentioned
3.1 – 3.2	2 paragraphs introduced to provide further information relating to the circumstances the licensing authority may classify a film
4.1	Reference inserted relating to the prescribed application form produced in Appendix B
4.2	Update to the Licensing Team address
4.3	An explanation as to what may happen should the applicant not submit their application within the timescale set
4.4 & 5.1	'Applications' replaced the word requests in this paragraph
4.9	References the location of the proposed prescribed application form. The form will be shown in Appendix 1 of the Policy once it has been approved by the licensing committee
6.1	The introduction of exhibition rules that all exhibitors would be expected to follow. This information was not available in the policy previously and it is felt then total clarity as to the Councils expectations of the film exhibitor are outlined from the outset
9.2	This section provides timescales outlining when an application for a classification must be made. This information was missing from the previous policy document

Appendix A	Application form and application guidance which was not previously included within the policy
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- 1.7 As the changes to the policy are so minor it is not felt that it is necessary to undertake a public consultation on the documents, therefore this report is seeking to approve the draft policy to take immediate effect.

## 2. Reasons for recommendations

- 2.1 It is best practice to regularly review and improve the policy which the Council applies when implementing regulatory regimes. This ensures clarity for traders and other interested parties in the application and enforcement processes.

## 3. Alternative options considered and not recommended

- 3.1 The Committee could consider consulting on the proposed policy; however, as the changes are so minor it is not felt that this is necessary
- 3.2 The Council could choose not to introduce an updates new policy; however, this would mean that the 2017 policy would remain in effect, and this is clearly out of date in relation to the matters identified above.

## 4. Post decision implementation

- 4.1 The policy will take immediate effect and will be published on the London Borough of Barnet webpage.

## 5. Implications of decision

### 5.1 Priorities and Performance

- 5.1.1 Films shown at local small film festivals support the objectives contained within the Corporate Plan.

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

- 5.2.1 Administration and enforcement of the legislation will be carried out by the Licensing team within Re, together with support from HB Public Law and from Governance Services.
- 5.2.2 The recommendations within this report have no financial implications as this will be delivered within existing resources.

### 5.3 Legal and Constitutional References

- 5.3.1 The Local Authority has been provided powers under the Licensing Act 2003 to be able

to classify films for exhibition within the London Borough of Barnet. The proposed policy sets out how the London borough of Barnet will discharge this function.

5.3.2 A good policy ensures that fair and equitable decisions are taken by the London Borough of Barnet.

5.3.3 The Council's constitution, Article 7 Committees, Forums, Working Groups and Partnerships May 2022 details the functions of the licensing committee to include:

“All policy matters relating to licensing, with licensing hearings concerning all licensing matters delegated to sub-committees.”

#### **5.4 Insight**

5.4.1 Not relevant to this report

#### **5.5 Social Value**

5.5.1 Not relevant to this report

#### **5.6 Risk Management**

5.6.1 It is important that the London Borough of Barnet adopts a robust and accountable regulatory regime in relation to film classification to ensure fair trading, and to protect consumers.

#### **5.7 Equalities and Diversity**

5.7.1 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

5.7.2 A consistent approach will be adopted when considering applications. All applications will be considered in line with the relevant legislation and policy.

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

#### **5.8 Corporate Parenting**

5.8.1 Not relevant to this report

#### **5.9 Consultation and Engagement**

5.9.1 There is no consultation needed in relation to this policy

#### **5.10 Environmental Impact**

5.10.1 Not relevant to this report

### **6. Background papers**



6.1 None

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## Licensing Committee AGENDA ITEM 10

18<sup>th</sup> July 2022

<b>Title</b>	<b>Licensing Committee – Pavement Licence update</b>
<b>Report of</b>	Executive Director of Assurance
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	No
<b>Enclosures</b>	None
<b>Officer Contact Details</b>	James Armitage Director of Regulatory Services <a href="mailto:James.Armitage@barnet.gov.uk">James.Armitage@barnet.gov.uk</a> 020 8359 3397

### Summary

This report provides Members with an overview of the introduction, implementation, and future for Pavement Licensing in the borough

### Officers Recommendations

1. That the Licensing Committee consider and note the following report.

## 1. Why this report is needed

- 1.1 In response to the struggles being faced by businesses throughout the country in 2020, the Government introduced a 'Pavement Licence' through the Business and Planning Act 2020.
- 1.2 This new process provided a streamlined and cheaper route for businesses such as cafes, restaurants and bars to secure a licence to place furniture on the highway. It was hoped that this would provide much needed income for businesses and protect as many hospitality jobs as possible.
- 1.3 These new Pavement Licences allow the licence-holder to place removable furniture over certain highways adjacent to their premises, for certain purposes. The simpler application process (compared with the existing processes for Street Trading Licences issued under either the London Local Authorities Act 1990 or the Highways Act 1980) allows businesses to secure these licences quickly and, where they are deemed to have been granted, allow these licences to remain in place for a year but not beyond 30 September 2022.
- 1.4 Where a pavement licence is granted, clear access routes on the highway need to be maintained, taking into account the needs of all users, including disabled people. It is for this reason that a licence can only be granted to premises that can accommodate a minimum of 2 clear metres between the trading area and the curb/street furniture.
- 1.5 The Business and Planning Act process provides a cheaper, easier and quicker way for businesses to obtain a licence. The fee for applying for a licence under the Business and Planning Act process is capped at £100 and the public consultation period is 7 working days (excluding public holidays), starting the day after the application is sent electronically to the authority.
- 1.6 Pavement Licences are available to businesses that use (or propose to use) the premises for the sale of food or drink for consumption (on or off the premises). Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours including where such uses form an ancillary aspect of another use, for example supermarkets, or entertainment venues which sell food and drink.
- 1.7 A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.
- 1.8 In the first year of this regime the Licensing Team issued 74 Pavement Licences. We are currently in the second year of issuing this type of licence and the number of Pavement Licences being issued by the licensing team has grown to 108.
- 1.9 Some of these premises have also applied for and been granted a Parklet (which are the areas adjacent to premises which have suspended parking bays/planters/gazebos etc) which has been offered to traders by the council's Growth & Corporate Services – Growth & Development team.
- 1.10 Following the Queen's speech earlier this year, the Government have tabled the Levelling-up and Regeneration Bill (The 'Bill') in the House of Commons.

- 1.11 The Bill, which is currently in draft and will be debated and scrutinised by Parliament before becoming law, proposes to make the regime for Pavement Licences issued under the Business and Planning Act permanent.
- 1.12 The Business and Planning Act was initially brought in as an emergency piece of legislation in July 2020 in response to the COVID pandemic, and permitted a quicker, cheaper, and streamlined service for licensed premises to apply to place tables and chairs outside their premises.
- 1.13 The provisions of the Business and Planning Act currently expire on the 30th September 2022.
- 1.14 The Bill proposes to make some slight amendments to the current provisions, which are summarised as follows:
  - 1.14.1. Amend the fee councils can charge applicants, increasing it from £100 to £350 for premises which already hold a Pavement Licence, and £500 for new applicants.
  - 1.14.2. Extend the public consultation period and council determination period from 7 days to 14 days.
  - 1.14.3. Extend the maximum duration of Pavement Licences from 1 year to 2 years. The length of a licence is however at the discretion of the local authority.
  - 1.14.4. Provide that Pavement Licences can also be amended by the local authority with the consent of the licence holder if it is considered that the conditions on the licence are not being met.
  - 1.14.5. Prohibit a local authority from granting a tables and chairs licence under the old regime (Highways Act 1980) if a Pavement Licence is capable of being granted under this Bill.
  - 1.14.6. Insert a new Enforcement schedule providing powers to the local authority to remove furniture where licence holders are not abiding by the relevant Pavement Licence conditions and hours.
- 1.15. One of the current benefits of the pavement licence procedure is that once a pavement licence is granted by the local authority, the premises will benefit from deemed planning permission for the furniture for the duration of the pavement licence. There is no proposal to change this.
- 1.16. Any pavement licence that has been granted under the Business and Planning Act and has no limit on its duration, will expire 2 years after the date that the Bill becomes law.
- 1.17. Any pavement licences which have a current expiry date of 30 September 2022, or earlier, will still expire on that date and a renewal will be needed before its expiration to continue providing tables and chairs outside.

- 1.18. In addition to the relaxation to the pavement licence provisions provided by the Business and Planning Act, a relaxation was also given back in 2020 to licensed premises with regards to off-sales. There is nothing in the Bill which extends this benefit, and currently this will expire on the 30 September 2022.
- 1.19. The Bill is currently a draft piece of legislation and subject to change. It is currently with the Committee stage in the House of Commons.
- 1.20. In the meantime, and in anticipation of the bill becoming law, the licensing team will be writing to holders of Pavement Licences in July 2022 to explain the expected changes in law and invite applications for renewals. As it is not yet known at what level the fees will be set, it is proposed that fees are not collected until such time as the Bill becomes law. In addition, there remains uncertainty over the licence term(s) that will be available under the new Act and as such, this will need to be clarified with each applicant once this information becomes clear. It may also be necessary to alter the relevant sections of the Barnet Street Trading Policy. Should this new Act not be passed, the renewal applications received will be applied to/converted into the appropriate existing street trading licences (temporary or permanent).

## **2. Reasons for recommendations**

- 2.1 The Chair of the Licensing Committee has requested that an update on Pavement Licensing in the borough be given to the Licensing Committee.

## **3. Alternative options considered and not recommended**

- 3.1 None

## **4. Post decision implementation**

- 4.1 This report is for information and noting only.

## **5. Implications of decision**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 The approach being taken in relation to the issue Pavement Licences fully supports objectives contained within the corporate plan.

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

- 5.2.1 It is expected that the cost of the additional work to licence and enforce this scheme will be covered by the statutory fees.

### **5.3 Legal and Constitutional References**

5.3.1. The Business and Planning Act 2020 places the responsibility for considering applications for pavement licenses on local authorities acting as licensing authorities.

### **5.4 Insight**

5.4.1 Not relevant to this report

### **5.5 Social Value**

5.5.1 Not relevant to this report

### **5.6 Risk Management**

5.6.1 None

### **5.7 Equalities and Diversity**

5.7.1 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.

### **5.8 Corporate Parenting**

5.8.1 Not applicable in the context of this report

### **5.9 Consultation and Engagement**

5.9.1 The information contained within this report will be published on the Local Authority website so that residents and businesses can monitor the work that is processed by the service.

### **5.10 Environmental Impact**

5.10.1. There are no direct environmental implications from noting the recommendations. Implementing the recommendations in the report will lead to a positive impact on the Council's carbon and ecology impact, or at least it is neutral.

5.10.2. There are no equality act issues arising from the content of this report but when an application for a licence is considered, such factors may be relevant to its determination.

## **6. Background papers**

6.1 None

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