

MEETING

LICENSING COMMITTEE

DATE AND TIME

MONDAY 7TH NOVEMBER, 2022

AT 6.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

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 2 November 2022 at 10AM. Requests must be submitted to pakeezah.rahman@barnet.gov.uk 020 8359 6452

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 020 8359 6452

Media Relations Contact: Tristan Garrick 020 8359 2454 Tristan.Garrick@Barnet.gov.uk

ASSURANCE GROUP

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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)	
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12.	Members' Licensing Code - TO FOLLOW	
13.	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

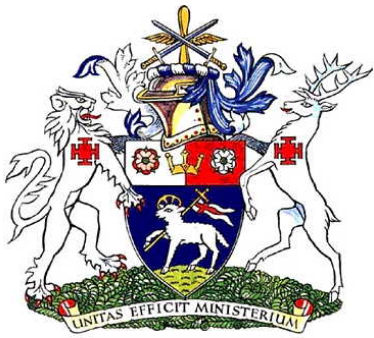
RESOLVED that the Work Programme be noted.

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

18th July 2022

Title	Licensing Committee Report on Walker of Multiple Dogs
Report of	Executive Director of Assurance
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	None
Officer Contact Details	James Armitage Regulatory Services Director James.armitage@barnet.gov.uk

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

- 1.1.1. 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.
- 1.1.2. 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)

- 1.1.1. 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

6.1.1 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.

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

6.1.3 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.

6.1.4 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.

6.1.5 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

6.1.6 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**

1.1.1. Not relevant to this report

6.5 **Social Value**

1.1.2. Not relevant to this report

6.6 **Risk Management**

1.1.1. None

6.7 **Equalities and Diversity**

1.1.1. 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.

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

6.8 **Corporate Parenting**

1.1.1. Not applicable in the context of this report

6.9 Consultation and Engagement

- 1.1.1. 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.
- 1.1.2. 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)
- 1.1.3. 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.
- 1.1.4. The consultation document will be sent to all identified appropriate parties and will include the Metropolitan Police, Green Spaces Department and Local Ward Councillors

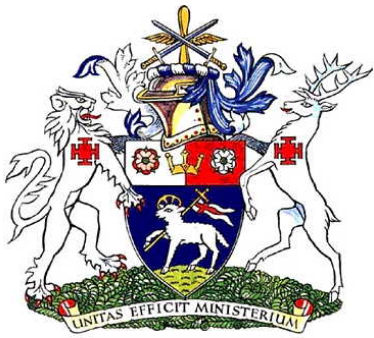
6.10 Environmental Impact

- 1.1.1. 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

07 November 2022

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

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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London Borough of Barnet

Film Classification Policy

2022-2027

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1. DEFINITIONS

1.1.

2003 Act	The Licensing Act 2003
<i>Children</i>	Any person under the age of 18 years.
<i>Exhibition of a film</i>	The exhibition of moving pictures

2. INTRODUCTION

- 2.1 The public exhibition of all films on licensed premises must either be classified by the British Board of Film Classification (BBFC) or authorised by the Licensing Authority under the powers of the Licensing Act 2003.
- 2.2 Section 20 of the Licensing Act 2003 (the Act) provides that where a Premises Licence or Club Premises Certificate authorises the exhibition of a film(s), the licence must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by the British Board of Film Classification (the BBFC) or by the Licensing Authority itself
- 2.3 The purpose of this Policy is to set out the formal procedure for the Licensing Authority to determine the classification of previously unclassified films, appeals by distributors against the British Board of Film Classification's decisions or requests/applications to reclassify films.
- 2.4 Where a premises seeks or intends to exhibit film(s), that venue must be covered by a Premises Licence, Club Premises Certificate or Temporary Event Notice under the Licensing Act 2003.

3. CIRCUMSTANCES THE LICENSING AUTHORITY MAY CLASSIFY A FILM

- 1.1. The Licensing Authority may be required to classify a film that has not been classified by the BBFC in two different circumstances:
- a. A distributor of a film may appeal against the decision of the BBFC and request that the Licensing Authority re-classifies/authorises the film for local screening (with recommendations on age restrictions); and
 - b. An independent party may request that the Licensing Authority re-classifies/authorises the film for local screening (with recommendations on age restrictions).
- 1.1. In addition, the Licensing Authority may be requested to authorise the showing of an unclassified film(s). This is normally occurs in the following cases:

- a. A film Festival covering a specific time period
 - b. A one-off screening of a film
 - c. A trailer for a film
- 3.3 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.
- 3.4 A distributor of a film or other party may appeal to the Licensing Authority against a decision of the BBFC requesting that the Licensing Authority reclassifies the film for local screening.
- 3.5 In addition to classifying films the Licensing Authority can issue a classification waiver which permits the exhibition of the film or films within the local area without a classification but subject to certain conditions and restrictions.

4. THE APPLICATION

- 4.1 Applications for authorisation of films **must be made on the prescribed form and shall be referred to and determined by the Licensing department on behalf of the Licensing Authority.**
- 4.2 All applications must be made to the London Borough of Barnet either by email or addressed to:
- London Borough of Barnet
Licensing Team
2 Bristol Avenue
Colindale
London
NW9 4EW
- licensingadmin@barnet.gov.uk
- 4.3 Applications should be submitted to the Licensing Authority with a minimum of 28 days before the proposed screening. **Failure to submit a film for classification within the prescribed period may result in the request being refused.**
- 4.4 An application for authorisation should include the following information:
- a. The name of the film maker;
 - b. A brief synopsis of the film
 - c. Any recommendation as may have been made by the film maker upon age limit for the intended audience for exhibition of the film;

- d. any existing classification issued by an existing classification body, whether within or outside the UK;
 - e. Information identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film.
 - f. The language spoken in the film and whether there are subtitles in English.
 - g. Details of how any age restrictions will be enforced.
- 4.5 All **applications** shall be accompanied by the film(s) where possible in DVD or electronic format to avoid delays, the cost to be borne by the applicant. If DVD/electronic format are not possible then arrangements will be made for a suitable venue to view the film.
- 4.6 If the film contains dialogue in a language other than English an interpreter will be required for the classification. The London Borough of Barnet will arrange for a suitable interpreter and the applicant will be responsible for the cost of this.
- 4.7 All requests must be accompanied by detailed reasons for the request.
- 4.8 Applicants must ensure that all material that is the subject of the application complies with the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988 or any other relevant legislation and has not been created through the commission of a criminal offence.
- 4.9 **A copy of the application form is shown in appendix 1 of this policy.**

5. DETERMINING THE APPLICATION

- 5.1 **Applications** will be dealt with as expeditiously as possible as it is appreciated that films are generally only shown in cinemas for a relatively short period.
- 5.2 The film will be reviewed by 2 individuals, 1 officer from the licensing department and the other a member of the Licensing Committee. Each will view the entire film and assess it against the BBFC guidelines and National Guidance.
- 5.3 If their decision is unanimous in relation to the classification that classification will be applied. Should the officer and Councillor be unable to reach consensus then the classification for that film will be referred to the Licensing Sub Committee
- 5.4 The Chairman of the subcommittee will have the casting decision should the subcommittee not be able to agree on the classification to be applied to the film.
- 5.5 The Licensing Department/Sub Committee (as appropriate) shall issue a Notice of Determination of the authorisation within 5 working days from the date of viewing.

- 5.6 The Licensing Authority will formally advise the applicant and the licence holder of any recommendation(s) restricting the admission of children to the film(s).
- 5.7 Where the Licensing Authority has determined to refuse authorisation of a film clear and concise reasons shall be given

6. EXHIBITION RULES

6.1 To exhibit films under the terms of this classification process, the applicant will need to confirm their agreement to the specific requirements relating to exhibiting the film and the information that will be provided to customers attending the film. These requirements are:

- The film that is exhibited on a licensed premises will be the same as the version presented and classified by the Licensing Authority
- The classification certificate will be displayed either on the screen prior to the film exhibition or on the entrance to the room or premises where the film is being exhibited. If the certificate is displayed at the entrance to the room or premises then it must be on display prior to customers being permitted to enter and remain on display until the exhibition of the film has concluded.
- No one aged below the age of classification will be permitted to watch the film.
- No one under the age of 12 will be permitted into a 12A film without an adult.

7. CLASSIFICATION

- 7.1 The BBFC classifies films in accordance with published Guidelines, which are based on extensive research into public opinion and professional advice.
- 7.2 The National Guidance under Section 182 of the LA03 recommends that:

Licensing Authorities should not duplicate the BBFC's work by choosing to classify films themselves. The classifications recommended by the BBFC should be those normally applied unless there are very good local reasons for a Licensing Authority to adopt this role. Licensing Authorities

should note that the provisions of the 2003 Act enable them to specify the Board in the licence or certificate and, in relation to individual films, to notify the holder or club that it will make a recommendation for that particular film

- 7.3 The Licensing Authority considers the classification system used by the BBFC to be nationally understood and accepted. It will therefore use this system and any amendments thereto, as a reference point for determining its recommendation(s) on the restriction of access of children to the film(s). It should be noted however that the Licensing Authority is not obliged to follow these guidelines.
- 7.4 Where a licensed premises seeks to exhibit a film that has not been classified by the BBFC then it will be the responsibility of the Licensing Authority to authorise that film.
- 7.5 The Licensing Authority recognises the principle within the Human Rights Act 1998 that adults should be free to choose their own entertainment. However material should not be in breach of the criminal law, including material judged to be obscene under the current interpretation of the Obscene Publications Act 1959 or has been created through the commission of a criminal offence.
- 7.6 In accordance with paragraph 10.31 of the National Guidance, the Licensing Authority shall concern itself primarily with the protection of children from harm. It will not use its powers to censor films save where there is clear cause to believe that this is required to promote the licensing objectives.

8. PROTECTING CHILDREN FROM HARM

- 8.1 In terms of film exhibitions and festivals, the most relevant licensing objective is the Protection of Children from Harm.
- 8.2 Paragraph 2.41 of the National Guidance states:
- The protection of children from harm includes the protection of children from moral, psychological and physical harm and this would include the protection of children from too early an exposure to strong language and sexual expletives, for example, in the context of film exhibitions or where adult entertainment is provided.*
- 8.3 In line with the National Guidance, where a film is recommended by the Licensing Authority as falling into an age restrictive category, no person under the age specified shall be admitted.
- 8.4 Where a film(s) is recommended by the Licensing Authority as falling into a category requiring any persons under a specified age to be accompanied by an adult, no person under the age specified shall be admitted unless accompanied by an adult.

8.5 In these circumstances, the licence holder will be required to display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements. With regard to the wording of such Notices, the Licensing Authority shall have regard to National Guidance, e.g.:

- *Persons Under the Age Of [insert appropriate age] Cannot Be Admitted To Any Part of The Programme*
- *Persons Under the Age Of [insert appropriate age] Can Only Be Admitted To The Programme If Accompanied By An Adult.*

9. CLASSIFICATION WAIVER

9.1 Any authorisations for the exhibition of film without classification issued by the Licensing Authority shall only apply when the film is exhibited within the London Borough of Barnet and does not affect the authorisation or recommendations in any other borough.

9.2 All requests to waive a film classification must be submitted on the Licensing Authority's application form a minimum of 28 days before the proposed screening with confirmation from the applicant that the film is intended to be shown to an audience of persons aged 18 years and over.

9.3 Once the classification has been waived by the Licensing Authority a film will be authorised for a particular showing or festival only. This will be subject to the recommendations imposed by the Licensing Authority (unless further application for re-classification is made). Details of the waiver including any recommendations shall be available from the Council's Licensing Services.

9.4 The issue of any waiver by the London Borough of Barnet is strictly limited to the authorisation within the Borough and it is assumed that all relevant third party consents and licences in respect of any and all copyright, confidential information and all other intellectual property rights have been obtained.

9.5 Where the Licensing Authority authorises unclassified material to be shown the Licensing Authority will require an undertaking from the applicant that he has satisfied himself after proper enquiry that no material to be exhibited contravenes the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988 or another relevant legislation and has not been created through the commission of a criminal offence.

9.6 The Licensing Authority shall also not be liable for any material that has been created through the commission of a criminal offence. It is the responsibility of the applicant to ensure that no film or trailer contravenes the law

10. EXEMPTIONS

10.1 The provision of the exhibition of a film is exempt from regulation by the Licensing Act 2003 (LA03) if:

It consists of or forms part of an exhibit put on show for any purposes of a museum or art gallery (the LA03 does not define a museum or art gallery so the ordinary meaning of the term is taken)

or:

Its sole or main purpose is to:

- demonstrate any product,
- advertise any goods or services (excluding the advertising of films), or
- provide information, education or instruction

11. FEES

11.1 The current fees applicable are laid out in the London Borough of Barnet's Fees and Charges Schedule.

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 5 working days of the decision.

12.2 Decisions will be taken having regard to this Policy and the relevant legislation.

FILM DETAILS: (use additional sheets if necessary)

TITLE			
LENGTH		HOURS	MINUTES
SYNOPSIS			

Provide a brief outline of the plot. Please do not concern yourself with “spoiling” the film and avoid using press release or media promotion language that seeks to “sell” it. It assists us to know the main protagonist and antagonist’s name(s), the nature of any conflict (the “dramatic question” the film seeks to resolve), the major turning points of the story, and the nature of and outcome of the climax of the film.

FOREIGN LANGUAGE/SUBTITLE DECLARATION: Please tick one option and add the name of any additional languages spoken or signed in the film in the space provided.

The film is entirely in English	<input type="checkbox"/>
The film contains a spoken / written [LANGUAGE OTHER THAN ENGLISH]. These sections are subtitled, and I confirm the subtitles are wholly accurate.	<input type="checkbox"/>

Please note, we are unable to classify films that contain a language other than English which are not subtitled. Subtitles do not have to appear in the final public version of the film, but they are required for classification purposes.

ADDITIONAL INFORMATION	
Is your film classified by the BBFC?: (if "YES", what rating was it awarded?)	
Date(s) of the film exhibition:	
Primary Address(es) of the film exhibition:	
Any additional address(es) of film exhibitions within Barnet	
Certification sought: (“U”, “PG”, “12”, “12A”, “15”, “18”) Please note that the Certification granted may differ	

PART B – Film Festival

Film Festival Applicant Details:	
Name	
Address	
Post Code	
TEL MOB EMAIL	

FOREIGN LANGUAGE/SUBTITLE DECLARATION: Please tick one option and add the name of any additional languages spoken or signed in the film in the space provided.	
The film is entirely in English.	<input type="checkbox"/>
The film contains a spoken / written [LANGUAGE OTHER THAN ENGLISH]. These sections are subtitled, and I confirm the subtitles are wholly accurate.	<input type="checkbox"/>
Please note, we are unable to classify films that contain a language other than English which are not subtitled. Subtitles do not have to appear in the final public version of the film, but they are required for classification purposes.	

ADDITIONAL INFORMATION	
Number of films to be certified	
Number of total minutes of all films to be certified	

Date(s) of the film festival exhibition:	
Any additional address(es) of film exhibitions within Barnet	
Total number of films to be certified (including films to be waived) :	

PART C

DECLARATION (Please read carefully, tick to confirm and sign below)		
The information provided in this application is accurate and correct to the best of my knowledge and belief		
I understand that I must make payment on the appropriate fee before the classification process can begin		
I have enclosed a copy or link (with any password) that meets the technical standards cited below		
I have read and understood the guidance written at the end of this application form:		
Please contact me using the details provided below to make payment of the appropriate fee:		
Name: -----		
Tel: -----		
SIGNED:		
PRINT NAME(S)		
DATED:		

Guidance Notes for Applicants

This procedure applies both where you would like us to reclassify a film already classified by the BBFC, and where you require us to classify a film that is not currently classified.

In order to be able to guarantee that we will be able to process your application and issue you with a classification certificate your completed application, relevant fee, and a copy of the film (that is retained by Westminster City Council) must be submitted to us at least 4 weeks (28 days) before the film is scheduled to be shown for a one-off feature film or 6 weeks for a film festival. The Licensing Authority may agree to accept applications received outside this timeframe, at its absolute discretion.

Classification & Reclassification Requests:

All requests for classification and reclassification of films will be determined by a Senior Licensing Officer, who will view the entire film and assess the film against the BBFC guidelines.

Applicants should be aware that we classify films on an “as submitted” basis. We do not make recommendations as to cuts to the film that may result in a lower classification, though can provide the reasoning for the certification we provide upon further request, administration fee will be applicable. Applicants seeking a low classification are encouraged to be mindful of the BBFC guidelines themselves when editing their film prior to submission for classification.

Applicants should also be aware that individual scenes containing bad language, violence, drug-use, discrimination, or scenes of a sexual nature (etc), even where infrequent, are likely to warrant a higher classification overall. The BBFC guidelines are freely available online.

At the end of the process, we will either supply you with an appropriate certification that may or may not restrict the age of the audience that can view the film, though in rare circumstances we may reject the film as being “unclassifiable”

With regards to the latter, we will only do so in one of two scenarios:

- If any of the Film Submission Technical Standards listed below are not met; and
- If we consider that the film is not suitable for public viewing and would require “compulsory cuts” as described within the Intervention section of the BBFC guidance.

Where we reject a film, we will provide in writing the reasons for our decision.

Film Submission Technical Standards:

- Your application must be accompanied by a secured website link or USB. If submitted with a USB then this will be retained by the Council, as a record of the film classified.
- Non-English sections must contain subtitles.

Please note that:

Security markings such as a watermark are permitted but must be subtle and not obscure the centre or a large part of the screen or distract from the viewing of the film. I.e. Full-screen, scrolling security marks stating “COUNCIL COPY” or similar are likely to be returned as uncertifiable and applicants shall have to reapply.

Fees:






Your request must be accompanied by the appropriate fee. The total fee payable is *****

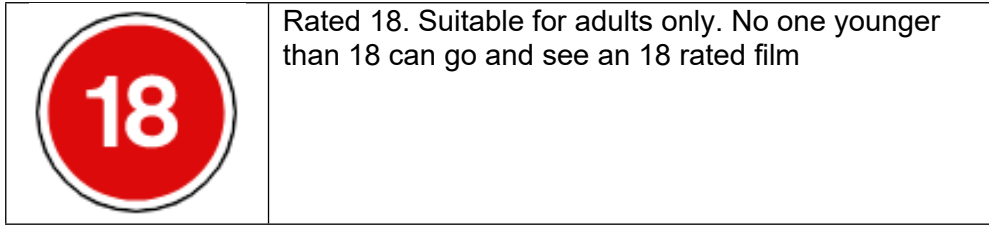
Foreign Languages:

To enable us to accurately classify films that contain a language that is not spoken or written English, all such films must contain a subtitle track for each of these occurrences (even if it is not intended for the subtitles to appear in the public release version of the film). The subtitles should provide a full, accurate and precise translation.

Determination of your Film – Classification Certificates

Approved films will be issued with a film classification certificate under one of the following categories:

	Universal. Suitable for All
	Parental Guidance. Films can be viewed by all ages, but some scenes may be unsuitable for young children
	Rated 12A. Suitable for children aged 12 and over. However, people younger than 12 may see a 12A so long as they are accompanied by an adult
	Rated 12. Suitable for children aged 12 and over. No one younger than 12 can go and see a 12 rated film
	Rated 15. Suitable for children aged 15 and over. No one younger than 15 can go and see a 15 rated film

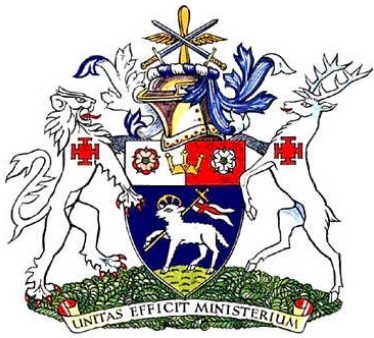


We will provide a PDF copy of the certificate. This needs to be displayed at the commencement of each showing of the film.

Contact Us:

London Borough of Barnet
Licensing Team
2 Bristol Avenue
Colindale
London
NW9 4EW

020 8359 7443
licensingadmin@barnet.gov.uk



Licensing Committee AGENDA ITEM 9

7th November 2022

Title	Licensing Committee – Pavement Licence update
Report of	Executive Director of Assurance
Wards	All
Status	Public
Urgent	No
Key	Yes
Enclosures	None
Officer Contact Details	James Armitage Director of Regulatory Services James.Armitage@barnet.gov.uk 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 content of this 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 2023.
- 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 Regeneration and Economic Development Team as a part of a program to support the councils town team.
- 1.10 Following the Queen's speech in early 2022, 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 2023.
- 1.14 The Bill proposes to make some slight amendments to the current provisions, which are summarised as follows:
 - 1.1.1. 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.
 - 1.1.2. Extend the public consultation period and council determination period from 7 days to 14 days.
 - 1.1.3. 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.
 - 1.1.4. 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.
 - 1.1.5. 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.
 - 1.1.6. 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.
- 1.2. 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.
- 1.3. Any pavement licences which have a current expiry date of 30 September 2023, or earlier, will still expire on that date and a renewal will be needed before its expiration to continue providing tables and chairs outside.
- 1.4. 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 2023.

- 1.5. 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.
- 1.6. The Licensing Team will keep the Chair of the Licensing Committee briefed on the progress of this Bill

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

- 1.1.1. The Business and Planning Act 2020 provides a simpler method for pavement licence applications than the alternative under the Highways Act 1980. The Business and Planning Act places the responsibility for considering applications for pavement licenses on local authorities acting as licensing authorities.

Under the Council's Constitution, Article 7, the Licensing Committee is responsible for

'(1) 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 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.

5.7.2 This report in itself does not give rise to any Equality duty concerns.

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

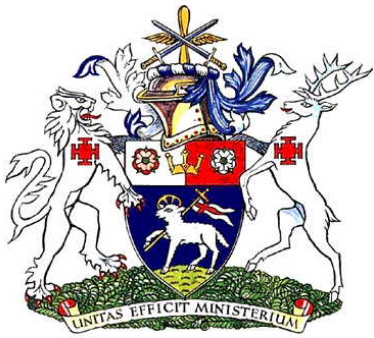
1.1.1. There are no direct environmental implications from noting the recommendations. Implementing the recommendations in the report will lead to a positive impact on the Council's carbon and ecology impact, or at least it is neutral.

1.1.2. 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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Licensing Committee AGENDA ITEM 10

7th November 2022

Title	Revised Sex Establishment and Sex Entertainment Venues Policy
Report of	Executive Director of Assurance
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	Appendix A – Draft Policy
Officer Contact Details	James Armitage James.Armitage@barnet.gov.uk

Summary

This report seeks approval from Members to adopt the 2023-2028 draft policy in relation to sex establishments and sex entertainment venues policy following review of the current one.

Officers Recommendations

1. That the Committee approve the draft Sex Establishment and Sex Entertainment Venues Policy in Appendix A.
2. That the Committee authorise the Licensing Department to undertake a public consultation and consult the Metropolitan Police, Children and Families, Environmental Health, the Fire Brigade and all ward Councillors.

1. Why this report is needed

- 1.1 Sex shops are licensed under the Local Government (Miscellaneous Provisions) Act 1982. This regime gives the Licensing Authority a wide discretion in determining whether to grant or refuse licences, a power to set a limit on the number of premises that may be suitable for a particular locality, and flexibility on applying licence conditions. It also gives the ability to accept representations from a wide scope of the community.

- 1.2 The Local Government (Miscellaneous Provisions) Act 1982 was amended through the Police and Crime Act 2009 so as to create a new category of “sexual establishment venue” (SEV) licence that would include lap, table and pole dancing. This allowed local authorities to have more powers to control the number and location of lap dancing clubs and similar venues in their area. These powers are not mandatory and will only apply where they are adopted by local authorities. The London Borough of Barnet adopted these powers in January 2013.
- 1.3 Currently there are no sex shops or sex cinemas in the London Borough of Barnet and there have not been any applications for premises licences for venues to provide lap dancing or similar entertainment.
- 1.4 The current policy for sex establishments and sex entertainment venues was adopted in 2018. All policies within the Licensing team are informally reviewed annually with a formal review needed every five years.
- 1.5 Changes that are proposed to the policy, are identified in red text in the draft version of the policy in Appendix.
- 1.6 The Licensing team propose to consult on the draft policy. This consultation will be sent to the Metropolitan Police, Children and Families, Environmental Health, the Fire Brigade and all ward Councillors.
- 1.7 The Consultation will also be published on the London Borough of Barnet website for anyone to comment on it. The consultation will take place over 8 weeks. The consultation will run from January 2023.
- 1.8 The outcome of this consultation will be brought to the Licensing Committee in July 2023.
- 1.9 The London Borough of Barnet is able to set a quantity limit regarding the number of sex establishments in an area. In November 2017 when the current policy was approved by the Licensing Committee, it chose not to set a limit on this.

The March 2010 Home Office Guidance on Sex Entertainment Venue licensing states that regardless of any quantity limit, all applications need to be considered on their own merits .

“...it is reasonable and potentially useful to future applicants, for a local authority to decide in advance of receiving any applications that certain areas are, or are not, appropriate locations for a sex establishment or a particular number of sex establishments. Nevertheless, all applications must be considered on their individual merits.”

- 1.10 Some authorities have set limits, for example by ward. However this can cause difficulty in decision making, particularly on the borders of wards where one ward may have a quota for such venues and another may have a zero quota. This could result in more challenges to decisions.
- 1.11 In 2013, the London Borough of Barnet made the decision to look at the area specifically around where the premises would be located. The 2013 policy and later the revised 2018 policy sets out when the grant of a licence would not be appropriate. For example, when there is a school positioned in the area – which the London

Borough of Barnet has called the “relevant locality”. There are no proposed changes to this.

- 1.12 In 2013 London Borough of Barnet consulted for views on what the size of this “relevant Locality” area should be. Following this consultation, the decision was made that this would be set at 75m.
- 1.13 A review was taken in 2017 on both the decision not to set limits on the number of establishments and the 75m definition of “relevant locality”. The outcome of the 2017 review was to uphold the 2013 decision. Although the Licensing team see no reason to change these, this will form part of the consultation that anyone can comment on.
- 1.14 A further review has been taken (2022) on both the decision not to set limits on the number of establishments and the 75m definition of “relevant locality” Although the Licensing team see no reason to change these, this will form part of the consultation that anyone can comment on.

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 Council could choose not to review and update the policy, however this would mean that the 2018 policy would remain in effect but as noted above, it is out of date in some respects

4. Post decision implementation

- 4.1 There will be a consultation in relation to the adoption of the draft policy, as noted above, and the feedback from this consultation will be brought back to this committee for consideration

5. Implications of decision

5.1 Corporate Priorities and Performance

- 5.1.1 Ensuring that any sex shops and establishments in the borough are well run and compliant supports the objectives contained within the Corporate Plan. In particular in relation to “Responsible Growth, Regeneration and Investment”.
- 5.1.2 The document will be amended to reflect the most recent linkages once the new corporate plan becomes available.

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.

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 Government (Miscellaneous Provisions) Act 1982 provides powers in relation to licensing sex establishments and sex4 entertainment venues. The proposed policy sets out how the London Borough of Barnet will discharge this function.

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

"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 important that the London Borough of Barnet adopts a robust and accountable regulatory regime in relation to licensing in order 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 protected groups. This will be reviewed again in light of any feedback from the consultation

5.8 Corporate Parenting

5.8.1 Not relevant to this report

5.9 Consultation and Engagement

5.9.1 As noted earlier, there will be a consultation in relation to the proposed policy and the results of this will be brought back before this committee for consideration.

5.10 Environmental Impact

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

6. Background papers

6.1 Licensing Committee – Monday 12 November 2018 7.00pm

6.2 [Sex Establishment and Sex Entertainment Venues Policy.pdf \(modern.gov.co.uk\)](#)

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London Borough of Barnet

**Sex
Establishment
and Sex
Entertainment
Venues Policy
2023- 2028**

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1 DEFINITION OF TERMS

In this policy the following expressions have the meaning set out below

2009 Act	The Policing and Crime Act 2009
1982 Act	The Local Government (Miscellaneous Provisions) Act 1982
2003 Act	The Licensing Act 2003
Section 27	Section 27 of the Policing and Crime Act 2009
Schedule 3	Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982
Sexual Entertainment Venue (SEV)	Any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser of the entertainer
Relevant entertainment:	<p>The meaning of 'relevant entertainment' is 'any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)'</p> <p>The definition of relevant entertainment would apply to the following forms of entertainment as they are commonly understood :</p> <ul style="list-style-type: none"> • Lap dancing • Pole dancing • Table dancing • Strip shows • Peep shows • Live sex shows
Sex establishment	Sex Cinema, Sex Shop or SEV
Sex Shop:	<p>Any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating:</p> <p>(a) sex articles; or</p> <p>(b) other things intended for use in connection with, or for the purpose of stimulating or encouraging:</p> <p style="padding-left: 40px;">i) sexual activity</p> <p style="padding-left: 40px;">ii) acts of force or restraint which are associated with sexual activity.</p>
Sex Cinema:	<p>Any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which:</p> <p>(a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage:</p>

	<ul style="list-style-type: none"> i) sexual activity; or ii) acts of force or restraint which are associated with sexual activity. <p>(b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions, but does not include a dwelling-house to which the public is not admitted</p>
Sex article:	<p>(a) anything made for use in connection with, or for the purpose of stimulating or encouraging:</p> <ul style="list-style-type: none"> i) sexual activity; or ii) acts of force or restraint which are associated with sexual activity. And <p>(b) anything:</p> <ul style="list-style-type: none"> i) containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and ii) to any recording of vision or sound, which; <ul style="list-style-type: none"> A) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or B) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

2 INTRODUCTION

- 2.1 This document sets out the London Borough of Barnet's policy in respect of licensing functions for sex establishments and sex entertainment venues.
- 2.2 This policy will take effect from November 2023.
- 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 consultation period.
- 2.4 Section 27 of Policing and Crime Act 2009 introduced a new type of sex establishment called 'sexual entertainment venue'. The London Borough of Barnet consulted on these additional powers and adopted them on 22 January 2013.
- 2.5 This new category allows the London Borough of Barnet to regulate lap dancing clubs and other similar venues under Schedule 3.
- 2.6 Previously a sex establishment licence was not usually required for striptease or lap dancing venues, as the relevant permissions for adult entertainment would have been included on a Premises Licence issued under the Licensing Act 2003.
- 2.7 Paragraph 2A (3) of Schedule 3 sets out those premises that are not sexual entertainment venues and these include sex shops and cinemas and those premises that provide relevant entertainment on an infrequent basis. Those premises that provide infrequent relevant entertainment will continue to be regulated under the 2003 Act either by virtue of a premises licence or club premises certificate or a temporary events notice.
- 2.8 The London Borough of Barnet is mindful of possible local community concerns arising from premises applying for a sex establishment licence in their neighbourhood and the potential conflict that this may trigger between the applicant and community to such an application.
- 2.9 The London Borough of Barnet is a densely populated borough with many small town centres. Therefore commercial and business areas also have many residential properties in close proximity. Community facilities such as schools and places of worship, are situated close to each other and to the residential populations they serve. As a consequence any location considered for a sex establishment is likely to have a large residential population and a number of community facilities in relatively close proximity
- 2.10 In regulating sex establishments and sex entertainment venue activities the London Borough of Barnet acknowledges that they need to take

account of the potential conflict between the legitimate objectives of applicants and the desires of the population as a whole. A balance must be struck between these positions and all relevant views will be taken into account when making licensing decisions or determining a course of action.

- 2.11 This policy will apply to all 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.

3 THE APPLICATION

- 2.1 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
Community Protection Team
2 Bristol Avenue
Colindale
London
NW9 4EW**

Licensingadmin@Barnet.gov.uk

- 2.2 In order to avoid any duplication or inefficiency between the licensing and planning processes, the London Borough of Barnet will expect that, prior to the submission of a licensing application the appropriate planning permission will have been granted in respect of the premises concerned.

4 NEW APPLICATIONS

- 2.3 New applications must be:
- Made in writing
 - Made on the correct application form as prescribed by the London Borough of Barnet
 - Accompanied by the full application fee

- 4.2 An incomplete or incorrectly completed application will be rejected.

5 RENEWAL APPLICATION

- 2.4 A correctly completed application for the renewal of a licence must be submitted no later than two months before the existing licence will expire.

- 2.5 An incomplete or incorrectly completed application will be rejected
- 2.6 A renewal application will be treated the same as a new application in relation to consultation and determination.

6 VARIATION OR TRANSFER APPLICATION

- 2.7 Where an application is made to vary a licence in terms of the activity, hours of operation or certain conditions as previously licensed or transfer a licence to another person (whether on renewal or not), the London Borough of Barnet will take into account:
- Levels of recorded crime and disorder in the area
 - Evidence of past demonstrable impacts from the operation of the premises on the safety and amenity of local residents
 - Whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts

7 CONSULTATION

- 2.8 A notice of the application must be displayed in a prominent place on the exterior of the premises visible 24 hours a day for a continuous period of 21 days.
- 2.9 A notice outlining the details of the application must also be published in a local newspaper within 7 days of the submission of the application. A copy of the notice once published should be sent to the Licensing Team.
- 2.10 Once the application is received, the licensing department will consult with:
- Ward Councillors
 - Police
 - Fire Brigade
 - Planning Service
 - Environmental health
 - Community Safety
 - Licensing Authority
 - Safeguarding Children
- 2.11 The application will also be published on the London Borough of Barnet's website

8 DETERMINING THE APPLICATION

- 2.12 All applications shall automatically be referred to the Licensing Sub Committee for hearing regardless of whether or not any objections have been received.
- 2.13 The London Borough of Barnet will assess the possible adverse impacts especially on local residents when considering an application for the grant, renewal, variation or transfer of licence, and will take into account the following:
- a) The type of activity to which the application relates;
 - b) The duration of the proposed licence
 - c) The days and hours of operation of the activity
 - d) The layout and condition of the premises
 - e) The character of the locality in which the proposed premises are to be situated. (This will include the likely character of an area as a result of redevelopment of that area.)
 - f) The use to which other premises in the vicinity are put
- 2.14 The inside of sex establishments should not be visible to passers by on retail thoroughfares or pedestrian routes. Applicants should consider locating premises at basement level.
- 2.15 The London Borough of Barnet recognises under Schedule 3 of the 1982 Act that it can set a quantity limit regarding the number of sex establishments in an area but has not chosen to do so based on the specific geographical characteristics and nature of the borough.
- 2.16 The London Borough of Barnet has not imposed a limit on the number of premises that may be licensed in any area, it will consider each application on its own merits. However, it will not grant licences if it is deemed inappropriate having regard to the character of the relevant locality and in particular in relation to the following:
- Purely or primarily residential accommodation
 - Schools, play areas, nurseries, youth clubs, children's centres or similar places
 - Access routes to and from schools, play areas, nurseries, children's centres or similar premises
 - Places of worship
 - Community facilities or public buildings including, but not limited to, swimming pools, leisure centres, public parks, youth centres/clubs and sheltered housing.
 - Historic buildings or tourist attractions
- 2.17 "Relevant Locality" is defined as an area of 75 metres radius around the proposed location. The London Borough of Barnet will in general, in

areas where the relevant locality includes one or more of the above list, consider it inappropriate for a licence to be granted.

- 2.18 London Borough of Barnet acknowledges that a concentration of sex establishments in a particular area can result in the potential for fear of crime, anti-social behaviour, disorder, noise pollution and other disturbance to residents. In such cases the amenity of local residents can be placed under severe pressure.
- 2.19 The London Borough of Barnet would also consider the following factors when deciding if an application were appropriate:
- Cumulative adverse impact of existing sex related licensed activities in the vicinity of the proposed premises
 - Proximity to areas with the highest levels of recorded crime
 - Whether the premises has met the relevant planning requirements
 - Whether the applicant is fit and proper to hold the licence. This may include considering the operation of existing or previous licences held by the applicant, and/or any reports received about the applicant from the police or other sources.
- 2.20 In all cases, The London Borough of Barnet will consider each application on its own merit.
- 2.21 The Licensing Sub Committee will communicate their decision at the end of the hearing and all parties will receive written confirmation within 5 working days.

9 CONDITIONS

- 2.22 The London Borough of Barnet recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to individual premises.
- 2.23 Examples of conditions that may be attached to a licence are shown in Appendix A below.

10 REFUSAL OF AN APPLICATION

- 2.24 The London Borough of Barnet would not be able to consider granting a licence in the following circumstances:
- To a person under the age of 18;
 - To a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of London Borough of Barnet within the last 12 months;

- To a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

2.25 The London Borough of Barnet would consider refusing a licence where

- The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- If the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if they made the application themselves;

11 EXPIRY OF A LICENCE

2.26 A licence will expire on the date specified on the licence unless it is renewed in time.

2.27 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.

12 REVOCATION OF A LICENCE

2.28 The London Borough of Barnet may revoke a licence on any of the grounds contained within the 1982 Act which include when it is deemed the licence holder is unsuitable to hold the licence.

2.29 The London Borough of Barnet will not revoke a licence without first giving the holder of the licence the opportunity of appearing and making representations before the Licensing Sub-Committee.

13 FEES

2.30 The application process involves paying a non-returnable application fee. Should the application be successful a further licence fee will apply and will be payable.

2.31 The fees applied are laid out in the London Borough of Barnet's Fees and Charges Schedule.

14 DECISIONS

- 2.32 The reasons for any decision(s) on the application 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 5 working days of the decision.
- 2.33 Decisions will be taken having regard to this Policy and Schedule III of the 1982 Act.

15 APPEALS

- 2.34 Any applicant who is refused a licence or refused the renewal of a licence may within 21 days of receiving the decision notice, appeal to the local magistrates court.
- 2.35 However, the right to appeal does not apply where the licence was refused on the grounds that:
- the number of sex establishments in the area exceeds the number which the authority consider is appropriate.
 - the grant of the licence would be inappropriate considering the character of the area, the number of other premises in the area, or the premises themselves.
- 2.36 A licence holder who wishes to appeal against a condition added to their licence can appeal to the magistrates' court.
- 2.37 Licence holders may at any time apply to London Borough of Barnet to vary their licence. If the London Borough of Barnet refuses a variation, or if the licence is revoked, the licence holder may, within 21 days after receiving the decision notice, appeal to the magistrates' court.
- 2.38 The licence holder also has rights of appeal to the crown court against any magistrates' court decision.

16 ENFORCEMENT

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

17 PUBLIC REGISTER

- 2.40 A public register of all current licences issued can be made available and can be accessed online on the Licensing webpage

APPENDIX A: SCHEDULE OF STANDARD CONDITIONS

The following are standard conditions which would be attached, as appropriate, to any licence issued for a Sex Establishment:

Premises Condition applicable to	Condition
All Sex Establishment premises	A copy of the Sex Establishment Licence and the standard conditions made by the authority must be kept exhibited in the public area of the premises.
All Sex Establishment premises	No person under 18 years of age to enter the premises.
All Sex Establishment premises	All customers appearing to be under the age of 21 to be required to provide proof of their age before being allowed access to the premises.
All Sex Establishment premises	No person under 18 years of age is to be employed in the business of the establishment.
All Sex Establishment premises	At all entrances there shall be prominently displayed, so as to be visible at all times to persons approaching the premises, a notice prohibiting entry to all persons under 18 years of age
All Sex Establishment premises	The Licensee shall not display outside, near to, or within the premises any advertising material, sign or pictorial display referring to the licensed premises or the goods, articles or services provided at the premises, in such a position or manner that it is visible to any person using adjacent highways, streets, footpaths or forecourts except any notice displaying the name or trading title of the Licensee, any Notice indicating the times of opening of the premises for business, any Notice required by any statute, regulation or bylaw applicable to the premises or business carried thereon or any notice prescribed by these conditions. The use of loudspeakers and displays on business vehicles is strictly prohibited

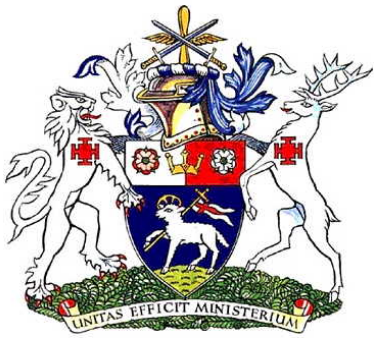
All Sex Establishment premises	The licensed premises shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed premises and the displays of articles sold at the premises shall not be visible at any time to persons outside the building. The external doors shall be fitted with automatic closing devices which shall be maintained in good working order.
All Sex Establishment premises	All refuse produced on the premises and materials, goods or articles discarded for any reason shall be securely stored within the premises and delivered in sealed containers to the refuse collection service
All Sex Establishment premises	The Licensee shall make such provision for the reception of goods and articles for sale, hire, exchange, loan, demonstration or display on the premises so that they are received directly into the premises and not subject to storage for any period of time on any pavement, footpath, forecourt or yard nor in any vessel or vehicle, etc.
All Sex Establishment premises	The Licensee or a responsible person nominated by him in writing for the purpose and approved by the London Borough of Barnet shall be in charge of and upon the licensed premises during the whole time they are open to the public. Such written nominations shall be continuously available for inspection by authorised officers of the London Borough of Barnet or the Police
All Sex Establishment premises	No part of the premises shall be used by prostitutes (male or female) for the purpose of solicitation or of otherwise exercising their calling or profession.
Sexual entertainment venues	The Licensee shall ensure that no employee or other person shall seek to obtain custom for the premises by means of personal solicitation outside or in the vicinity of the premises.
All Sex Establishment premises	No advertisements, other than advertisements relating to other licensed sex establishments or relating to goods sold from the premises, shall be displayed in the premises
All Sex Establishment premises	A record shall be kept of all mail order transactions (if any) in such form as agreed by the London Borough of Barnet.
All Sex Establishment premises	The Licensee shall immediately notify the London Borough of Barnet he intends ceasing to carry on the business.
All Sex Establishment premises	The Licensee shall inform the London Borough of Barnet if he is convicted under the Obscene Publications Act, 1959, the Protection of Children Act, 1978, or the Customs and Excise Management Act, 1979 or if an order for forfeiture is made under the Obscene Publications Act, 1959 following the service of a summons on the Licensee.

	The London Borough of Barnet will take into consideration any such conviction or orders for possible revocation or non renewal of the licence.
All Sex Establishment premises	<p>The Licensee shall not in the conduct of the business employ any person:-</p> <ul style="list-style-type: none"> • Whose application for a licence to carry on a sex establishment, or renewal thereof, has been refused by the London Borough of Barnet or any other licensing authority; • Whose licence to carry on the business of a sex establishment has been revoked by the London Borough of Barnet or any other licensing authority; <p>The name, address, date of birth and details of any criminal convictions of all individuals who will have responsibility for the operation or management of the premises in the absence of the licence holder are to be provided to the Licensing Authority prior to such persons commencing their role at the premises</p>
All Sex Establishment premises	<p>The Licensee shall not, in the conduct of the business, employ any person who has a criminal conviction or simple caution under:</p> <ul style="list-style-type: none"> • The Obscene Publications Act, 1959, • The Protection of Children Act, 1978, or • The Customs and Excise Management Act, 1979
All Sex Establishment premises	No external signage is to be displayed on the premises, except for the company name, the hours of business and details of the age restriction, without the written authorisation of the Licensing Authority
All Sex Establishment premises	The windows of the premises must be such that there is no view from outside into the interior of the premises and no window display is to be permitted
All Sex Establishment premises	A lobby area is to be installed with double doors so restricting the view into the premises when patrons are entering and leaving
All Sex Establishment premises	The premises shall not, for any purpose of the licence, be opened before 0900 hours and shall not be kept open beyond 2300 hours
All Sex Establishment premises	CCTV is to be installed, operated and maintained to a standard agreed with by the Police and the Licensing Authority. The system is to include 31 day imaging storage and be available for inspection in accordance with the Police's requirement.
Sex Shop	All goods to be discreetly wrapped before leaving the premises.

Sex Shop	No part of the premises is to be used for the showing of recorded videos, DVDs or other moving pictures.
All Sex Establishment premises	Any breach of or failure to comply with the Conditions attached to this Licence may result in the revocation of the Licence.
Sexual entertainment venues	There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.
Sexual entertainment venues	Any striptease entertainment must only be provided on a designated stage area, adjacent to tables where customers are seated and adjacent to the bar.
Sexual entertainment venues	Performances of striptease / lap dancing shall be undertaken only by the performers/entertainers, and the audience shall not be permitted to participate.
Sexual entertainment venues	No performer shall make physical contact with the breasts and / or genitalia of any other performer during a performance nor shall there be performances or demonstrations of simulated sex or related activities.
Sexual entertainment venues	When striptease entertainment takes place on the designated stage, it must be ensured that the performer has direct and clear access to the dressing room at the end of their performance. The access shall be maintained available without passing through or in close proximity to the audience.
Sexual entertainment venues	Nudity shall only be permitted by performers and not by customers.
Sexual entertainment venues	It must be ensured that no performances of striptease, lap dancing or any other form of nudity can be seen from the street.
Sexual entertainment venues	The only physical contact permitted between customers and performers is: <ul style="list-style-type: none"> • the placing of money in a garter worn by a female performer or in the performer's hand at the conclusion of a performance. • a brief handshake at the beginning or end of a performance . • a kiss by the performer on the customer's cheek after the performer has replaced her clothing at the end of a performance.

	A notice repeating the precise wording of the above conditions shall be displayed at the entrance of the premises, at each table and in each bar area
All Sex Establishment premises	The only external advertising of the agreed activity at or in the immediate vicinity of the premises shall be one showcase measuring no more than 60cm by 45cm. No such advertising shall be sexually explicit or be likely to cause offence to a reasonable person
All Sex Establishment premises	No payment may be made or offered to any person in any public place to encourage or persuade them to enter the premises
All Sex Establishment premises	The licensee shall ensure that no music played in connection with the Licensed activity is audible at or within the site boundary of any residential premises

DRAFT



Licensing Committee AGENDA ITEM 11

7th November 2022

Title	Licensing Authority – Annual Report on Licensing Applications
Report of	Executive Director of Assurance
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	Appendix A – Volumes of work
Officer Contact Details	James Armitage Director of Regulatory Services James.Armitage@barnet.gov.uk 020 8359 3397

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](#)

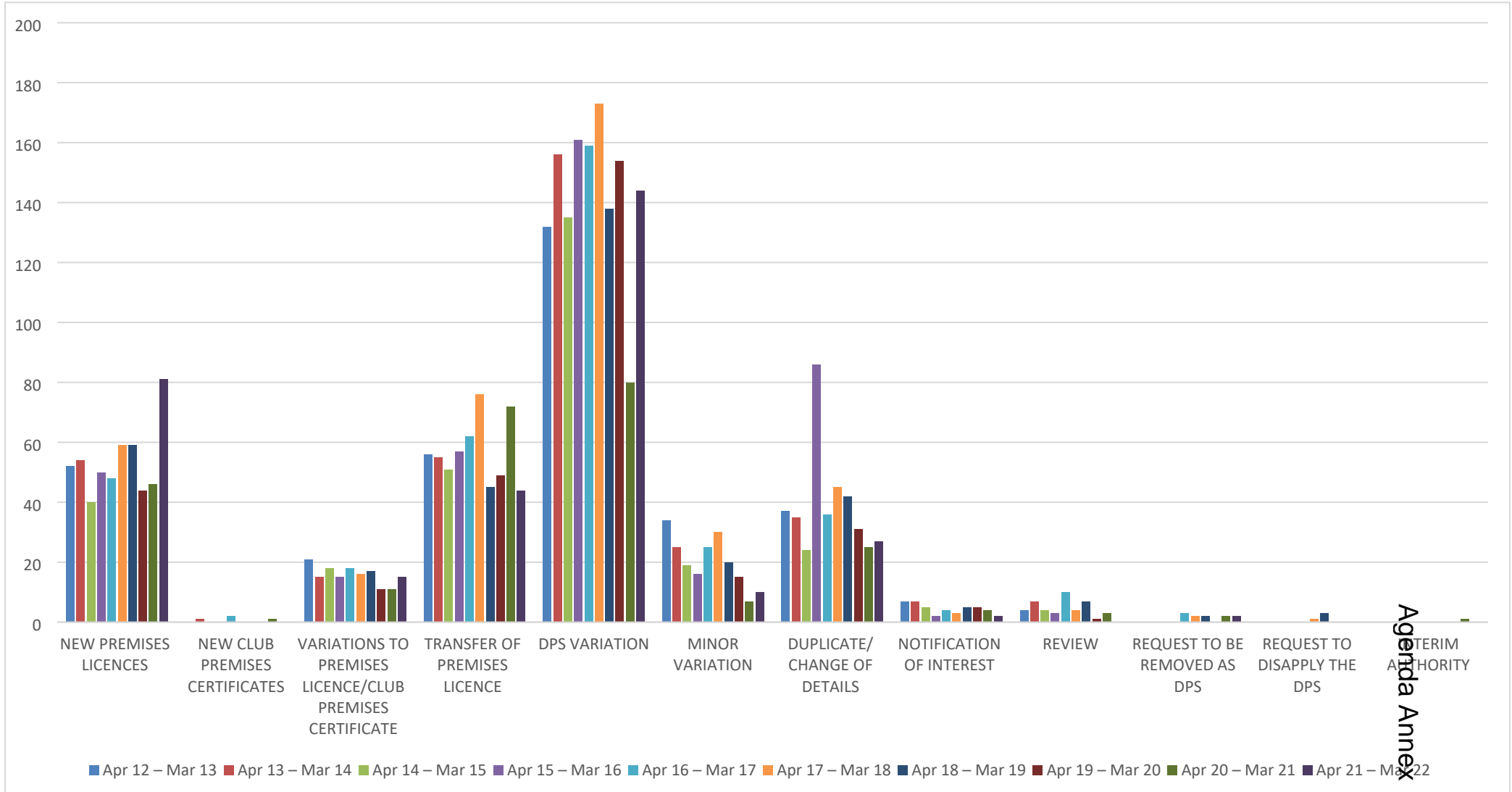
6.2 [Gambling Act 2005](#)

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Report on the work of the Licensing Authority.

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

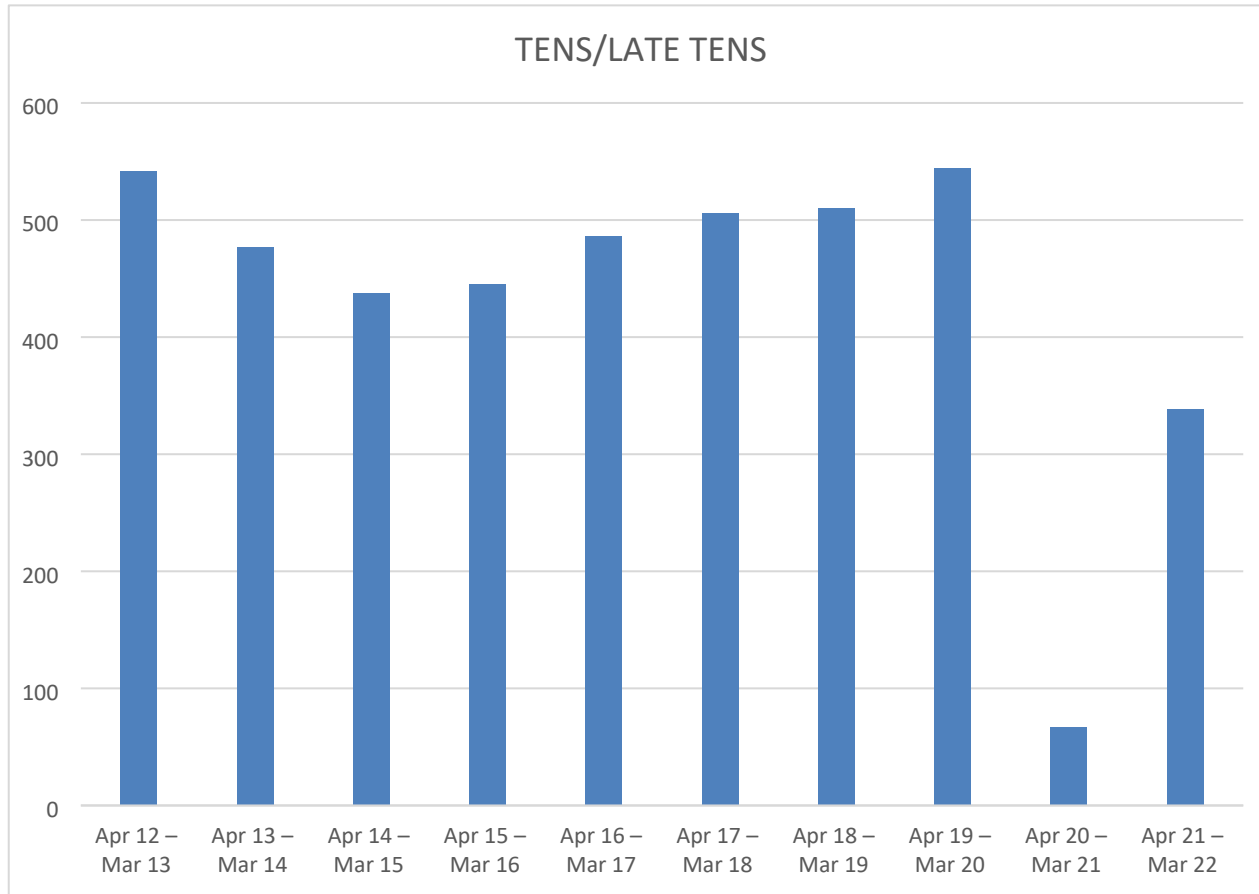
Premises licences (Licensing Act):



Agenda Annex

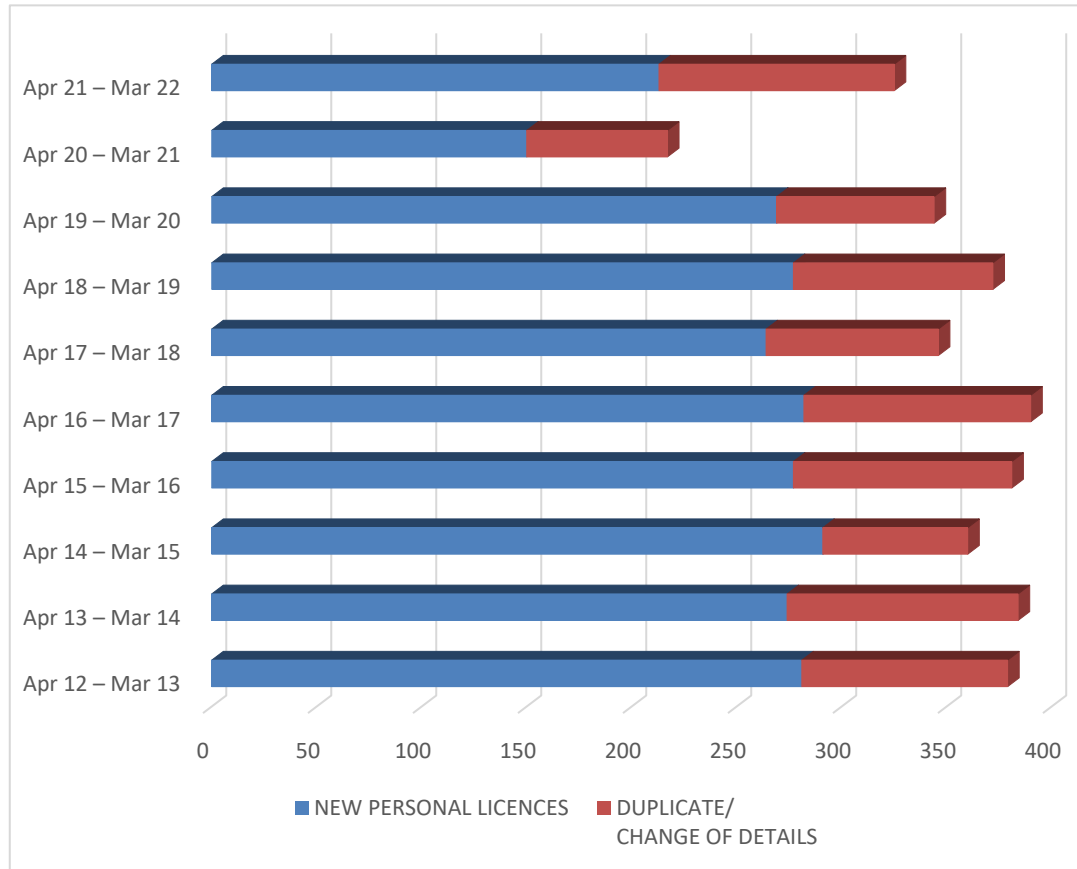
	Apr 12 – Mar 13	Apr 13 – Mar 14	Apr 14 – Mar 15	Apr 15 – Mar 16	Apr 16 – Mar 17	Apr 17 – Mar 18	Apr 18 – Mar 19	Apr 19 – Mar 20	Apr 20 – Mar 21	Apr 21 – Mar 22
NEW PREMISES LICENCES	52	54	40	50	48	59	59	44	46	81
NEW CLUB PREMISES CERTIFICATES	0	1	0	0	2	0	0	0	1	0
VARIATIONS TO PREMISES LICENCE/CLUB PREMISES 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:



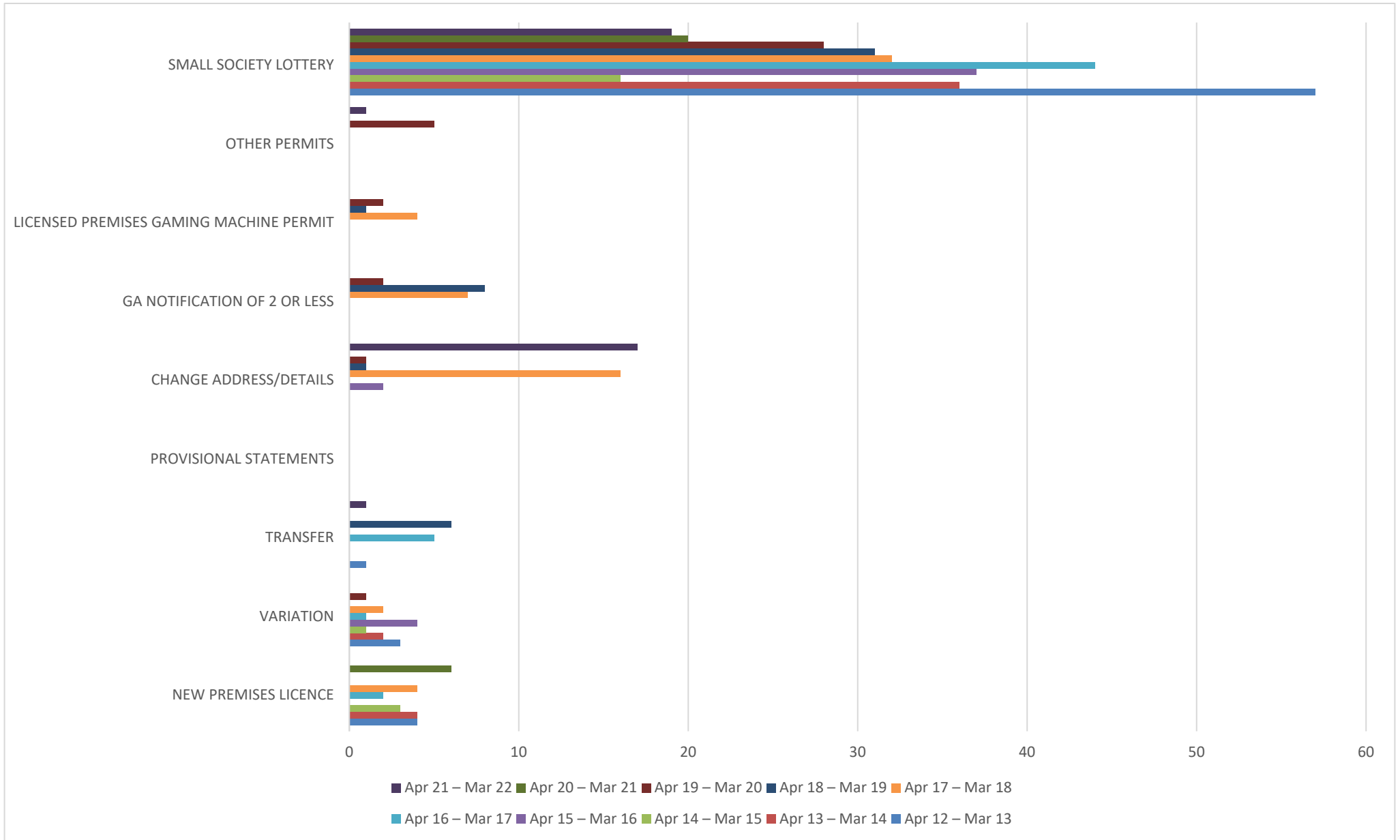
	Apr 12 – Mar 13	Apr 13 – Mar 14	Apr 14 – Mar 15	Apr 15 – Mar 16	Apr 16 – Mar 17	Apr 17 – Mar 18	Apr 18 – Mar 19	Apr 19 – Mar 20	Apr 20 – Mar 21	Apr 21 – Mar 22
TENS/LATE TENS	542	477	438	445	486	506	510	544	67	339

Personal Licences (Licensing Act)



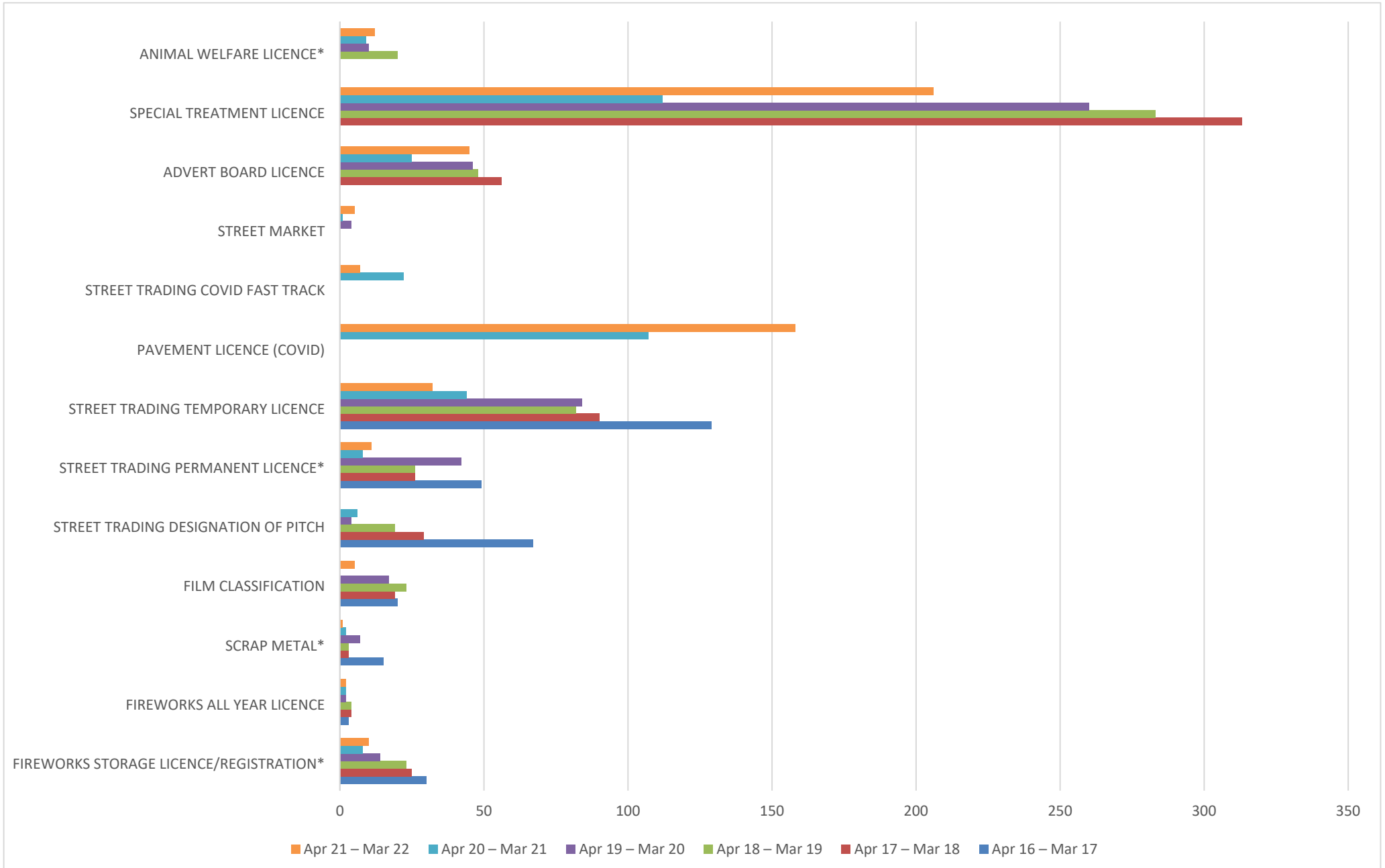
	Apr 12 – Mar 13	Apr 13 – Mar 14	Apr 14 – Mar 15	Apr 15 – Mar 16	Apr 16 – Mar 17	Apr 17 – Mar 18	Apr 18 – Mar 19	Apr 19 – Mar 20	Apr 20 – Mar 21	Apr 21 – Mar 22
NEW PERSONAL LICENCES	281	274	291	277	282	264	277	269	150	213
DUPLICATE/ CHANGE OF DETAILS	98	110	69	104	108	82	95	75	67	112

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 st 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

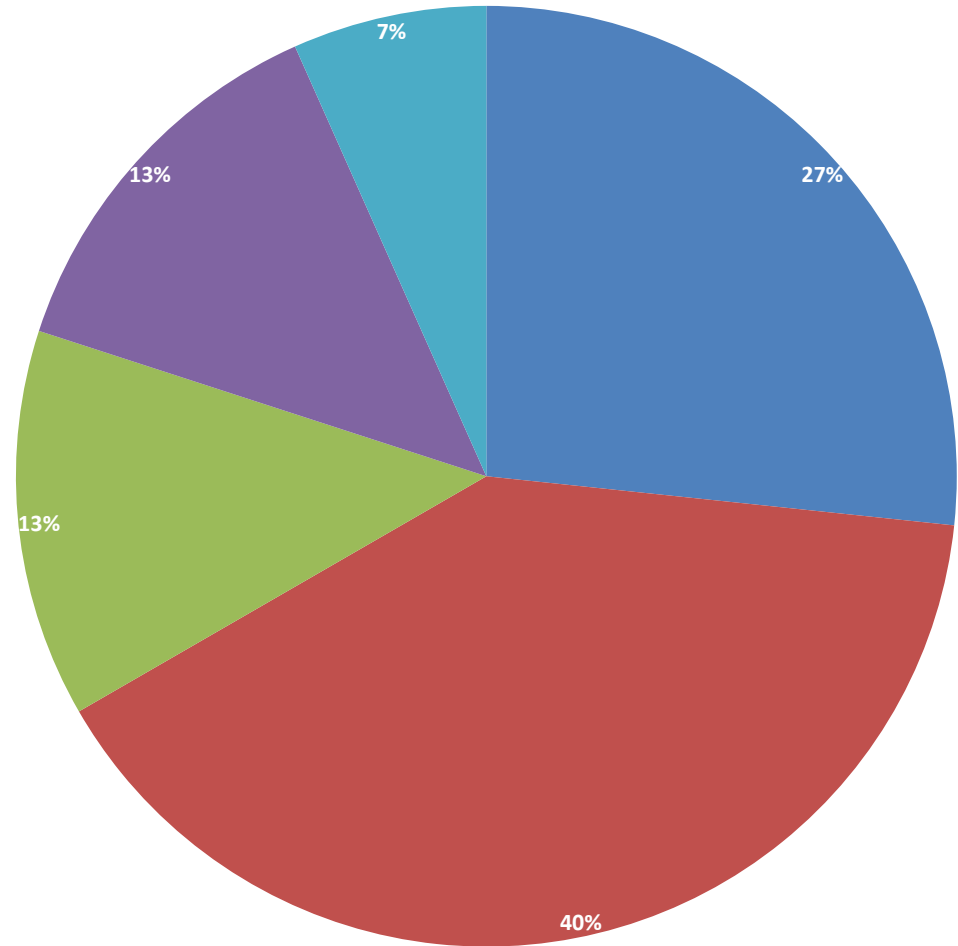
■ Granted with Conditions

■ 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	Cancelled 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	Cancelled 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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