

Meeting

Licensing AND GENERAL PURPOSES COMMITTEE

Date and time

Thursday 8TH FEBRUARY, 2024

At 7.00 PM

Venue

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

To: Members of Licensing AND GENERAL PURPOSES COMMITTEE (quorum 3)

Chair: Councillor Emma Whysall
Vice Chair: Councillor Claire Farrier

Richard Barnes
Andrea Bilbow OBE
Alison Cornelius
Geof Cooke

Eva Greenspan
Alex Prager
Danny Rich
Caroline Stock

Zakia Zubairi
Ernest Ambe

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 **Monday, 5th of February at 10AM**. Requests must be submitted to Pakeezah Rahman
Pakeezah.Rahman@Barnet.gov.uk

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

Andrew Charlwood – Head of Governance

Governance Service contact: Pakeezah Rahman 020 8359 6452
pakeezah.rahman@barnet.gov.uk

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

Assurance Group

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Order of Business

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Minutes of the Licensing and General Purposes Committee

8 November 2023

Members Present:-

AGENDA ITEM 2

Councillor Emma Whysall (Chair)
Councillor Claire Farrier (Vice-Chair)

Councillor Richard Barnes	Councillor Caroline Stock
Councillor Geof Cooke	Councillor Zakia Zubairi
Councillor Eva Greenspan	Councillor Ernest Ambe
Councillor Alex Prager	Councillor Alison Cornelius
Councillor Danny Rich	

Apologies for Absence

Councillor Andrea Bilbow OBE

1. ABSENCE OF MEMBERS

Apologies for absence were received from Councillor Andrea Bilbow.

2. MINUTES OF THE LAST LICENSING & GENERAL PURPOSES COMMITTEE ON 20/07/23

RESOLVED that the minutes of the meeting held on 20 July 2023 be approved as a correct record.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS (IF ANY)

The Chair declared an interest in relation to items 8 and 9 by virtue of employment with a personal injury law firm.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ELECTIONS ACT: IMPLEMENTATION UPDATE

Julie Carter, Electoral Services Manager, presented the report and the requirements introduced by the Elections Act 2022 to date.

It was noted that the voting systems for the GLA (first past the post), would have implications on the count. Barnet Electoral Services will need to recruit approx. 350 members of staff to work on each day of the two-day count. In addition, approximately 150 extra poll clerks will also need to be recruited to work at polling stations. The majority of the staff used on elections in Barnet come from the Council workforce.

The requirement for Voter IDs would mean longer processing times for eligible electors alongside additional training requirements for all staff working at polling stations.

More work around communications would be done in relation to Voter IDs leading up to the elections to ensure voters would not be turned away.

Officers suggested working with Members during campaigns to help promote Voter IDs and online applications in the lead up to the parliamentary elections.

The Department for Levelling Up, Housing and Communities (DLUHC) has stated that the recently implemented online portal for electors to make their postal and proxy vote applications, will be fully functional by January 2024. The submission of paper forms to Barnet's Elections Team was discouraged as these would make a significant impact upon the resources and capability within the team to make sure that all Postal and Proxy applications can be dealt with by specific election deadlines.

Changes to proxy votes meant that all current Proxy Voters must reapply, otherwise their current proxy arrangements will be cancelled on 31 January 2024. All current proxy voters will be contacted about the new process before January 2024.

The 15-year ruling in relation to overseas electors has been removed which means that any British Citizen now living overseas is eligible to vote at future Parliamentary elections, no matter how long since they last resided in the UK.

The team was commended for the good promotional work around voter registration and voter ID awareness. Officers welcomed suggestions from Members to support their democratic engagement plans – especially if they have contacts for suitable groups that Barnet's Electoral Services could engage with in future.

In relation to the increase in Voter IDs and checks, the Chair queried the measures in place to ensure that everyone who turned up to the polling station on election day by 10pm, would be allowed to vote.

It was explained that the existing procedures would continue to apply; A member of the polling station staff would join the end of the voter queue at exactly 10pm to mark the last person in line. This ensures any electors who have arrived by 10pm would still be issued with a ballot paper and be allowed to vote.

RESOLVED that the Committee

- 1. Note the implications and new burdens, brought in by the Elections Act, upon the Returning Officer (RO), Electoral Registration Officer (ERO), the core Electoral Services team and the wider council.**
- 2. Note how the legislation impacts upon Electors, Elected Officials, Election Candidates and Election Agents at future elections.**

6. PROPOSALS FOR POLLING DISTRICTS AND POLLING PLACES

John Bailey, Head of Electoral Services, presented the report.

Proposals were put forth on behalf of the Returning Officer (RO) in relation to 10 wards, each of which was discussed in turn:

Burnt Oak Ward

A new polling place was introduced at Burnt Oak Leisure Centre, creating the new polling district (BOD).

It was proposed that the current polling place in district BOB be moved to North Road Community Centre.

Childs Hill

It was proposed that polling district CHA be moved from the Greek Orthodox Church to the Golders Green Chabad.

East Finchley

St Marys Catholic Church could no longer be used as a polling place. Therefore, slight changes were made to the boundary of polling district EFB as a single polling station and the polling place would be moved back to Martin Primary School.

Members highlighted that schools should no longer be used as polling places. It was noted that schools were allowed to be used in line with the regulations unlike other establishments that required permission. Arrangements are able to be put in place to ensure that Martin Primary school can remain open on election day.

Edgwarebury

It was proposed that the polling place be moved from St Andrews Church to Rosh Pinah Primary School and the slight changes to polling districts EWA, EWD and EWE would help even out the number of electors.

Members suggested an alternative proposal as detailed in appendix A which would prevent school closure, be a cost benefit. as well as satisfy religious requirements raised in a number of representations received.

Officers said that in order to achieve the proposal to reduce from three polling districts to two-polling districts in the east of this ward, approximately 300 additional electors would need to be allocated to the Scout Hut Edgware Synagogue and approximately 1800 additional electors would need be allocated to Broadfields School. This would keep the number of electors allocated to the Scout Hut polling station (which needs to be a 'single' polling station) in line with guidelines of the Electoral Commission.

It was noted that St Andrews Church previously received the highest turnout in Edgwarebury Ward, hence the preferred polling place arising out of the consultation.

Officers suggested that authority be delegated to the RO (in consultation with the committee's chair) to agree the new polling district boundaries to rebalance electors as outlined above.

In response to Members, John Bailey said that an analysis would be carried out on the GIS system to map electors in relation to polling stations to ensure optimum clarity of boundaries for electors. It was noted that a balance of interest had to be taken into account between the needs of electors in relation to suitability of facilities and the potential disruption caused to residents and pupils.

Following a discussion, Councillor Rich moved a motion seconded by Councillor Farrier, to amend the Officer's recommendation by delegating authority to the RO to establish the new polling district boundaries in Edgwarebury Ward in consultation with the Chair.

The Committee then voted on the motion which was recorded as follows:

For: (approval) 7

Against: (approval) 4

The motion was carried.

Hendon

It was proposed that the polling place HED be moved to Hendon Library in line with a proposal received within the representations to the review,

Cllr Prager highlighted that some of the polling district boundaries could cause confusion amongst residents living along particular roads at the boundary of HAC and HCC.

Golders Green

It was proposed that the polling place be moved from St Edward the Confessor Church to the London Jewish Family Centre on St Georges Road to rebalance the polling district and to provide a more central location for electors in GGB.

Mill Hill

It was proposed that the polling place from Canada Villa be moved to Mill Hill Rugby Club which would benefit electors in the new polling district boundaries of MHD.

West Hendon

It was proposed that new polling places be introduced at St Matthias Church Hall and at the West Hendon Community Hub. These two new polling places will benefit many electors living close to the A5 and improve voter access to polling stations for approximately 3000 electors.

Colindale South

It was proposed that polling district CSB be moved to the Hybrid Meeting rooms without changes to the boundaries. CSE would be a new polling district, with a polling place at St Matthias Church Hall in the south of the ward to reduce pressure on the United Reform Church Hall.

In North East of the Ward, subject to acceptance of the Colindale Gardens function room, the Returning Officer proposed to introduce a new CSC polling district which would be available to the Colindale Gardens electors – the number of electors here being anticipated to rise sharply in coming years.

In the new boundaries of CSA polling district, the Beaufort Park Estate Management Office is proposed as the polling place, subject to agreement with the venues management.

Officers requested that the proposals for CSA and CSC be accepted in principle by the Committee, subject to satisfactory assessments of the proposed polling venues and suitable agreement being reached with the respective management of the two locations. Should it not be possible to use the proposed polling places for CSA and CSC, the existing CSA polling district would be retained with the polling place at the Council Offices on 2 Bristol Avenue.

High Barnet

It was proposed that polling districts HBC and HBD be changed to North/South moving the polling place from St Peter's Church Hall to Whittings Hill School, which has stated that it would be closed on polling day.

Members raised an anomaly between HBB and HBC on the north side of Barnet Road which needed to be addressed and to reduce pressure on the polling place at Chipping Barnet library.

Therefore, Members proposed an amendment as detailed in appendix K; That the boundary north of Barnet Road between HBB and HBC remain the same in line with the current map but the rest of the RO's proposal be adopted.

Following a discussion, the Chair moved a motion seconded by Councillor Ambe, to amend the Officer's recommendation to delegate authority to the RO to amend the proposed changes to the polling districts in High Barnet Ward in consultation with the Chair.

The Committee voted unanimously in favour of the motion.

RESOLVED that the Committee

- 1. Note the Representations received during the public consultation period of the Polling District and Polling Place review and the Returning Officer's responses, as detailed in Appendix A.**
- 2. Approve the proposed new arrangements for polling districts and polling places that are contained within Appendices B – I as Amended.**
- 3. Approve the proposed arrangements for the Colindale South polling districts and polling places, as contained within Appendix J - subject to confirmation of suitability, availability and acceptance of use by the polling venue proposed in Colindale Gardens.**
- 4. Approve the proposed arrangements as Amended for the High Barnet polling districts and polling places, as contained within Appendix K.**

7. GAMBLING POLICY: STATEMENT OF PRINCIPLES

Jas Lally, Interim Head of Consumer and Public Protection presented the report and highlighted the revised Gambling Policy following a twelve-week consultation with several organisations including the police. Changes included the location and number of gambling places in proximity to vulnerable people. It was noted that it would take approximately 6-12 months of intelligence gathering to map out and target areas of concern. The findings and activities of the Licensing Team would then be reported back to the Committee before approval at full Council.

RESOLVED that the Licensing and General Purposes Committee

- 1. Approves the proposed revised Gambling Statement of Principles.**
- 2. Recommends that this Gambling Statement of Principles be adopted at the next full meeting of the Council.**

8. ANNUAL HEALTH, SAFETY & WELLBEING REPORT

Mike Koumi, Head of Safety, Health and Wellbeing presented the report and highlighted the Council's Health and Safety performance between 2022 and 2023.

Performance information was gathered via independent audits, the accident reporting system, training records and sickness data. This is used to identify gaps and inform areas for improvement.

The report also provided an update on progress towards the Council's priorities. It was noted that several activities had taken place to meet priorities including the introduction of a Potentially Violent Persons Database and the lone working system, enabling staff to manage risk and to take control if faced with difficulty.

Other checks in place allowed for early intervention through referrals where needed.

Focus was placed on the audit programme for schools, post Covid, to ensure that safe systems and correct practices were in place. Schools were also provided with support especially around areas for improvement in health and safety.

Members queried the high numbers of staff being referred to their GPs for further investigation. It was noted that those referred were front-line staff and work was being done with individual service leads to improve lifestyle choices.

RESOLVED that the Committee

- 1. Note the council's Health Safety and Wellbeing performance for the period 2022/23.**
- 2. Note the update on activities carried out in order to achieve the councils' Health, Safety and Wellbeing priorities for the period 2022/24.**

9. HEALTH AND SAFETY CONSULTATION ARRANGEMENTS

Mike Koumi presented the report. The previous council subcommittee, dealing with corporate health and safety issues, had been decommissioned a number of years ago. Since then, corporate health and safety items have been raised at various meetings including the Joint Negotiation and Consultation Group and local consultation committees. These committees are set up to discuss both industrial relations as well as health and safety, and there is currently no standalone health and safety Committee.

The Head of SHaW has revised the council's consultation arrangements for H&S and identified a need for a standalone corporate H&S committee. The Trade Unions have also been requesting this for a number of months. Therefore, the establishment of a health and safety consultative forum, made up of senior Officers and trade union representatives, to be chaired by the Chief Executive, was the proposal before the Committee. Any significant matters would be escalated and reported to the Licensing and General Purposes Committee.

The revised consultation arrangements will be reviewed after twelve months.

RESOLVED That the Committee agree the revised Health and Safety Consultation arrangements and note the establishment of a Corporate Health and Safety Consultative forum.

10. LICENSING & GENERAL PURPOSES COMMITTEE - FUTURE WORK PROGRAMME

Clair Green, Executive Director of Assurance, highlighted the requirement of additional elements to the work programme, following the recent change in governance arrangements.

The current forward work programme would be updated with Lead Officers on potential items for consideration, in line with the Constitution. The outcome of that review along with the updated draft, would be reported to the next meeting.

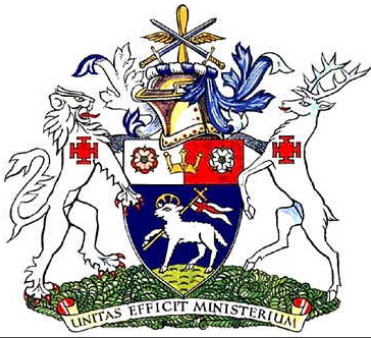
RESOLVED that the Committee notes the draft work programme and an updated version would be shared with the Committee on 8th February 2024.

11. ANY ITEM(S) THE CHAIR DECIDES ARE URGENT

None.

The meeting finished at 8.12pm

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Licensing and General Purposes Committee

AGENDA ITEM 5

Title	Electoral Services - Overview Report 2023
Date of meeting	8 February 2024
Report of	John Hooton - Chief Executive (and Barnet's Electoral Registration Officer (ERO) and Returning Officer (RO))
Wards	All
Status	Public
Urgent	No
Appendices	Appendix A - Annual Electoral Services Report - 2023
Officer Contact Details	John Bailey - Head of Electoral Services john.e.bailey@barnet.gov.uk Julie Carter, Electoral Services Manager julie.carter@barnet.gov.uk

Summary

The report provides details on the current Register of Electors and gives an overview of the activities and performance of the Electoral Registration Service throughout 2023.

Information is provided about the regular registration work that is undertaken throughout the year, including the preparation and delivery of the Annual Canvass between July and December. The report details the range of activities that have been undertaken to promote democratic engagement across the borough with specific groups that are typically under-registered. As an addition this year, the report shows extra activities and changes to procedures which needed to be brought in to comply with the Elections Act 2022.

The Council has a duty to provide the authority's Returning Officer (who has overall responsibility for the preparation and conduct of all elections within the borough) with appropriate resources to ensure the efficient and legislatively compliant conduct of all statutory elections.

This report helps to provide the Licensing and General Purposes Committee with relevant information to:

- ensure that the Council has met its obligations in this regard
- ask any necessary questions to satisfy themselves that provision for future elections will be sufficient and appropriate.

Recommendations

1. That the Committee consider and comments on the Electoral Services report attached at Appendix A.
2. That the Committee notes the implications and new burdens, brought in by the Elections Act, 2022 upon the Returning Officer (RO), Electoral Registration Officer (ERO), the core Electoral Services team and the wider council.

1. Reasons for the Recommendations

- 1.1 To ensure the Committee are provided with details on the current Register of Electors and an overview of the activities and performance of the Electoral Services Team over the past year.

2. Alternative Options Considered and Not Recommended

- 2.1 None - electoral registration and the delivery of elections within the borough must be undertaken in compliance with relevant legislation. This report is for noting only so no decisions are required from committee.

3. Post Decision Implementation

- 3.1 The Electoral Services Team will continue to deliver all necessary work required to ensure that the ERO complies with his statutory duties and Performance Standards on behalf of the Council.
- 3.2 Preparations are already underway for the upcoming Mayor of London and Greater London Authority election schedule for 2nd May 2024, as well as a pending General Election which will be held at some point in 2024.
- 3.3 Barnet Electoral Services, on behalf of the Returning Officer, the Electoral Registration Officer and the wider council, will implement all required changes to electoral activities and operating procedures to ensure that the new legislation is complied with.

4. Corporate Priorities, Performance and Other Considerations

Corporate Plan

- 4.1 This report is aligned with the corporate plan pillar of 'An engaged and effective council'.

Corporate Performance / Outcome Measures

- 4.2 The review supports delivery of the measure how "We act on concerns of local residents and involve them in decision making".
- 4.3 The RO/ERO is required to comply with Performance Standards that are issued by the Electoral Commission. The Electoral Commission periodically produce reports on the level of compliance that is achieved across the UK.

Sustainability

- 4.4 N/A within this report.

Corporate Parenting

- 4.5 N/A within this report.

Risk Management

4.6 Ensuring compliance with the new legislative requirements mitigates the risk of challenges to the registration of electors and to the conduct of elections in Barnet.

4.7 By sharing information about the new legislation, the council will mitigate the risk of voters being disenfranchised or that other stakeholders will breach any new rules relevant to their involvement with elections.

Insight

4.8 In accordance with statutory requirements, data from the Register of Electors and relating to the results of elections (including postal voting data, turnout data and polling station information etc.) can be used to review and evaluate electoral registration and elections activity within the London Borough of Barnet, as well as more widely at regional or national level.

Social Value

4.9 Ensuring that the Register of Electors is as complete and accurate as possible ensures that eligible residents can participate in statutory elections and referendums and are thus properly represented in the democratic processes of the borough and in the decision-making of the Council.

5. Resource Implications (Finance and Value for Money, Procurement, Staffing, IT and Property)

5.1 The Council is responsible for the costs of conducting local government (local) elections, including, when held, local by-elections that elect the Borough's own councillors. To cover the cost of these elections, the council contributes £0.178m per annum to an election reserve, which is then used to finance the local government elections every four years (c.£0.712m).

5.2 For other elections, all 'actual and necessary' costs are recovered by the Returning Officer from the relevant governing body for that election (e.g. central government for national UK elections or referendums and the GLA for the London Mayoral and Greater London Assembly elections).

5.3 The Government has committed that where changes in the Act will result in a new burden on local authorities, these costs will be initially covered in line with new burdens principles by a 'new burdens grant' or a Justification Led Bid.

5.4 In particular, with new Voter ID procedures, the Elections Act has introduced a requirement for extra staff to be employed within all polling stations on election day.

5.5 Due to extra administrative burdens (e.g. to produce Voter Authority Certificates, new online postal vote application identity checking procedures, change of legislation for overseas voters etc.) there is also an implication on core Electoral Services staffing resources, especially during election and other key periods.

6. Legal Implications and Constitution References

6.1 Following Royal Assent on 28 April 2022, the Elections Act 2022 is now part of UK legislation, with different elements being brought into force via individual statutory instruments.

6.2 The Returning Officer and the Electoral Registration Officer of the London Borough of Barnet is required by law to comply with all elements of the Elections Act as they are brought into force.

6.3 Every district and London borough council is required to appoint an ERO (Section 8, Representation of the People Act 1983 (RPA1983)) and must provide the resources needed by them to discharge their statutory functions. These functions include the duties of the ERO that are set out in legislation, and any further duties imposed by a direction of the Secretary of

State. The Secretary of State has a power to direct EROs in the discharge of their functions. The Secretary of State can only exercise this power of direction in accordance with a recommendation of the Electoral Commission.

- 6.4 Each London Borough is then required by Section 35(3) of the Representation of the People Act 1983 Act to appoint an officer of the council (the proper officer of the council (e.g. the Electoral Registration Officer)) to be the Council's Returning Officer (RO) at local elections.
- 6.5 By virtue of 'The Greater London Authority (Assembly Constituencies and Returning Officers) Order 1999', Barnet's Returning Officer becomes the 'Constituency Returning Officer' responsible for the delivery of the London Mayoral and GLA elections within the Barnet and Camden GLA constituency at the time of elections to the Greater London Authority.
- 6.6 The ERO has a duty under Section 9(1) of RPA1983 to maintain:
- a) a register of parliamentary electors for each constituency or part of a constituency in the area for which he acts; and
 - b) a register of local government electors for the local government areas or parts of local government areas included in the area for which he acts.
- 6.7 The ERO has a duty under Section 9A of RPA1983 (as amended by the Electoral Registration and Administration Act 2013 (ERA2013)) to take all necessary steps to comply with his duty to maintain the electoral register, and to ensure, as far as is reasonably practicable, persons who are entitled to be registered in the register (and no others) are registered in it.
- 6.8 The ERO has a duty under Section 9D RPA1983 (as amended by ERA2013) to conduct an annual canvass in relation to the area for which the officer acts and to conduct the canvass in a manner as set out in the regulations.
- 6.9 The ERO has a duty under Section 9E RPA1983 (as amended by ERA2013) to invite a person to join the register of electors maintained by the officer if:
- a) the officer is aware of the person's name and address,
 - b) the person is not registered in the register, and
 - c) the officer has reason to believe that the person may be entitled to be registered in the register.
- 6.10 In accordance with Part 2B of the London Borough of Barnet's Constitution, the Terms of Reference & Delegation of Duties to the Licensing and General Purposes Committee include oversight of elections and electoral registration performance.

7. Consultation

- 7.1 There is no local consultation process for the Elections Act as the legislation is set by Parliament.
- 7.2 However, it will be important to provide information as widely as possible to all residents and electors about the legislative changes in requirements and processes.

8. Equalities and Diversity

- 8.1 No separate equalities impact assessment has been undertaken as the delivery of all electoral process is strictly governed by legislation, which is in itself designed to provide for reasonable access for all electors - including persons who have different forms of disability (so far as is reasonably practicable in the circumstances).

8.2 Effective processes and activities with regards to registering residents on the electoral roll, in compliance with all relevant electoral legislation, ensures that all eligible individuals can choose to exercise their democratic rights in the manner in which they choose (as allowed by law).

9. Background Papers

- 9.1 The Elections Act 2022 legislation can be viewed at <https://www.legislation.gov.uk/ukpga/2022/37/contents/enacted>
- 9.2 Guidance and information from the Electoral Commission can be viewed at <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/elections-act>
- 9.3 Electoral Services Overview Report - Constitution and General Purposes Committee - Monday 4th October, 2021 7.00 pm - Agenda Item 7 - [Agenda for Constitution and General Purposes Committee on Monday 4th October, 2021, 7.00 pm \(modern.gov.co.uk\)](#)
- 9.4 Elections Act: Implementation Update - Licensing and General Purposes Committee - Wednesday 8th November, 2023 7.00 pm - Agenda Item 5 [Agenda for Licensing and General Purposes Committee on Wednesday 8th November, 2023, 7.00 pm \(modern.gov.co.uk\)](#)

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London Borough of Barnet
2023 Electoral Services Report
January 2024

Introduction

This report gives a high-level summary of the essential work that took place within Barnet's Electoral Services team to maintain the Register of Electors to a high level of accuracy and completeness throughout 2023.

Information is provided about the regular registration work that is undertaken throughout the year, including the preparation and delivery of the Annual Canvass between July and December. The report also details the range of activities that have been undertaken to promote democratic engagement across the borough with specific groups that are typically under-registered.

Updates are also provided on the ongoing implementation of the Elections Act 2022 (EA22). As well as the full introduction of Voter ID (and the subsequent right of electors to apply for a ¹Voter Authority Certificate), EA22 also introduced a number of other ²significant changes to electoral registration that came into force during 2023.

There were 264,894 electors on Barnet's Register of Electors on 1 December 2023. Whilst this figure is very similar to that on 1 December 2022 (up by 1,185 or 0.4%), it hides the huge number of additions, deletions and amendments that have taken place on the electoral register throughout the year.

Despite having no borough-wide elections in Barnet in 2023, the following figures illustrate the overall volume of work undertaken by the Electoral Services team:

- 31,943 initial applications to register were received across all channels (this figure includes significant numbers of 'duplicate' applications)
- 23,419 electors were added following to the register across the year - following a successful application to register.
- 21,831 electors were removed from the register, either due to information that they had registered elsewhere, information from them that they were moving out or following the provision of other information that they were no longer resident.
- Over 97,000 amendments made to information held on the Register of Electors since 1 December 2022.

Finally, the report provides an oversight of the scope of work that the Electoral Services team will be undertaking in the year ahead. With two high-profile elections expected and more elements of EA22 still to come into force, it is already anticipated that it could be one of the busiest years that the team has ever faced.

¹An elector that does not possess a form of Voter ID (stipulated as acceptable within EA22) is able to apply to the ERO for a 'Voter Authority Certificate' that can be used as Photo ID when voting in-person at a polling station. EA22 allows any elector to apply for a VAC.

² Further elements of EA22 will come force in 2024 (such as the removal of the '15 year rule' for Overseas Electors) and there continues to be ongoing developments to the processes that have been introduced for online Absent Vote applications (i.e. Postal and Proxy applications).

1. Key Activities of the Electoral Services Team in 2023

The table below provides a high-level timetable of some key electoral registration activities that were undertaken by Barnet Electoral Services during 2023:

Period:	Description of Activities
January – March	Statutory refresh of Absent Vote Personal Identifiers – over 5,600 Letters and reminders sent to electors that had an absent vote in place for over 5 years. This was the last Absent Vote Refresh to take place before changes introduced by the Elections Act '22 legislation came into force.
February	Planning and delivery of the Golders Green by-election on 16 Feb '23 – Almost 9,000 electors across Golders Green ward were eligible to vote at this by election. The count was held at the Council Offices at 2 Bristol Avenue and overall turnout was 27% (and 55% amongst postal voters).
February – March	Household Notification Letter (HNL) sent to all residential properties – Personalised HNLs posted to over 160,000 properties and individual processing of all subsequent registration amendments and requests. An information flyer was included with the HNL to inform all electors and residents about the introduction of Voter ID for voting at polling stations in future elections.
June 2023	Edgware Business Improvement District Bid – The first Business Improved District (BID) Ballot took place in Edgware which broadly matched the SPD boundary, spanning the A5 into the London Borough of Harrow. This resulted in a cross-boundary BID Ballot. As the majority of the BID area was located within Barnet, both geographically and by number of businesses, it was recommended by officers at both Barnet and Harrow Councils that the London Borough of Barnet would act as Lead Authority. The BID was carried out by an external provider, Civica, under instruction of the RO, and all ran successfully.
June - December	Print Contract Procurement – a joint procurement in partnership with London Borough of Harrow took place and a new print supplier, FDM, has been awarded the contract for three years (plus the option to add a further year if required). The new contract commenced on 8 January 2024.
August – November	Interim Polling District and Polling Place Review 2023 – following more than eight weeks of public and internal consultation and multiple venue assessment visits, changes were made to polling arrangements across 10 wards and more than 25 polling districts. The Licensing and General Purposes Committee approved the proposed new arrangements for polling districts and polling places on Wednesday 8 November (Agenda for Licensing and General Purposes Committee on Wednesday 8th November, 2023, 7.00 pm (modern.gov.co.uk) – Item 6.)
October – November	Preparation and implementation of Online Absent Vote Applications – implementation of new online portal for electors to apply for an absent vote. Training has been undertaken by all core team provided by AEA (Association of Electoral Administrators), DLUCH (Department for Levelling Up, Housing and Communities) and the Electoral Management System (EMS) software provider Democracy Counts. Further training and development will take place once the portal has gone live on 16 January 2024.
July – November	Annual Canvass – a full data-matching exercise between Barnet's electoral register and DWP records (in June 2023) resulted in an overall match rate of 94%. Following this, approx. 69,000 Household Enquiry Forms ('CCBs') were sent out in July to households across Barnet, where all elector data did not match (Route 2) from which a response was required by law . A further 90,000 Household Enquiry Forms ('CCAs') were sent

	<p>to those households where all elector data was matched (Route 1), and <i>a response was only required if there are changes that the household</i> needed to inform Electoral Services about. Over 1,200 bespoke communications were sent out to properties in various special categories (such as Care Homes and Student Accommodation) where a single response is required on behalf of multiple residents. For the first time E-Comms (19,547) were sent as a reminder to electors in Route 2 properties, where we held email addresses.</p> <p>The personal canvass door knock and telephone canvass took place during October and November for all Route 2 properties where no response had been received.</p> <p>A final Canvass Form (CF) was sent to the remaining non-responding households (23,624) on Route 2 in November.</p>
November - December	Preparation for Overseas Elector application changes – A new section of the online portal went live on 16 January 2024. Essential training has been carried out by the core team provided by AEA, DLUHC and the EMS software supplier Democracy Counts
December	Publication of the Electoral Register – distribution of the register to all relevant parties, credit agencies and British Library.
January - December	Democratic Engagement Activities – detailed in section 2 below.
All year BAU	<ul style="list-style-type: none"> • Data provided from Tell Us Once and the Registrar deceased lists • Contacting potential electors to encourage them to register to vote (ITRs) • Processing applications to register to vote (including special category electors) and sending relevant comms of confirmation. • Contacting electors with queries regarding their applications and requesting further evidence if required. • Processing registration reviews and deletions of electors and sending relevant comms of confirmation. • Processing absent vote applications and sending relevant comms of confirmation. • Address management of new or demolished properties • Overseeing viewing of the electoral register on request • Monthly publication and distribution of the electoral register • Processing 'Voter Authority Certificate' (VAC) applications

Whilst the table above details some headline activities of Electoral Services during the periods outlined, regular day to day activities and processes have continued to be delivered for individual citizens and residents. These processes are of considerable importance to the individuals involved, as well as their ensuring that their democratic franchise is maintained, in many circumstances the information on the electoral register affects individual's credit rating, pensions or tenancy rights.

All correspondence to electors and households, and especially during key times such as HNL letter and the annual canvass, knocks on to extra processes for the core team including email and telephone correspondence, plus in person contact at the council offices.

2. Democratic Engagement Activities

In 2023 the Electoral Services team have been able to attend more democratic engagement activities, due to there not being a major election, to promote registration and Voter ID. Many community groups were contacted early in the year the year, with additions throughout the year, to arrange access to events being held. Learning points have been recorded from each

event to assess the suitability and effectiveness of resources. The team will build on and add to this list of contacts throughout 2024, with the main focus being on the election in May and all the changes which are taking place for electors.

Organisation	Target group	Activity	When
Mencap	Adults with learning difficulties and/or mental health conditions	The team have attended two events carrying out workshops - 'why does my voice matter' and a mock polling station run through. Discussions and demonstrations took place on how to vote, the procedure for showing Voter ID and why voting was important to the group.	August and September 2023
Registrars - Citizenship Ceremonies	New British citizens	The team have attended most citizenship ceremonies to encourage attendees to amend their Electoral Register entry or complete a new application now that they have British citizenship. Flyers are now added to all attendee packs and posters are displayed around Hendon Town Hall	From September 2023
Middlesex University	Students (age 18 -24)	Attended Freshers week session to encourage students to register to vote and promote Voter ID	September 2023
Barnet Together Alliance Conference	Barnet community groups	Two of the team attended the event to promote registration and Voter ID. It was a great networking event and some further organisations agreed to promote electoral activities from this.	20 October 2023
Barnet Communities, Adults and Health	Elderly in care homes	After meeting some of the team at the Barnet Together Alliance Conference we have been able to add information to the regular newsletters which are sent to all care homes in the borough.	October 2023
Libraries / Age UK	Over 55s	Attended drop-in session at St. Margaret's Church in Edgware to assist the over 55s with tech queries and issues to promote registering to vote and VAC applications using the online services.	2 November 2023
The Romanian Centre	Romanian nationals	Two of the team attended an event held by The Romanian Centre to speak to attendees about registering to vote and Voter ID. Flyers were handed out and posters taken to be displayed around the building.	30 November 2023
Barnet Fraud Team - Fraud awareness week	General residents	The team attended Brent Cross shopping centre for one of the Fraud Awareness Week activities. The general public were spoken to regarding registering to vote and Voter ID	November 2023

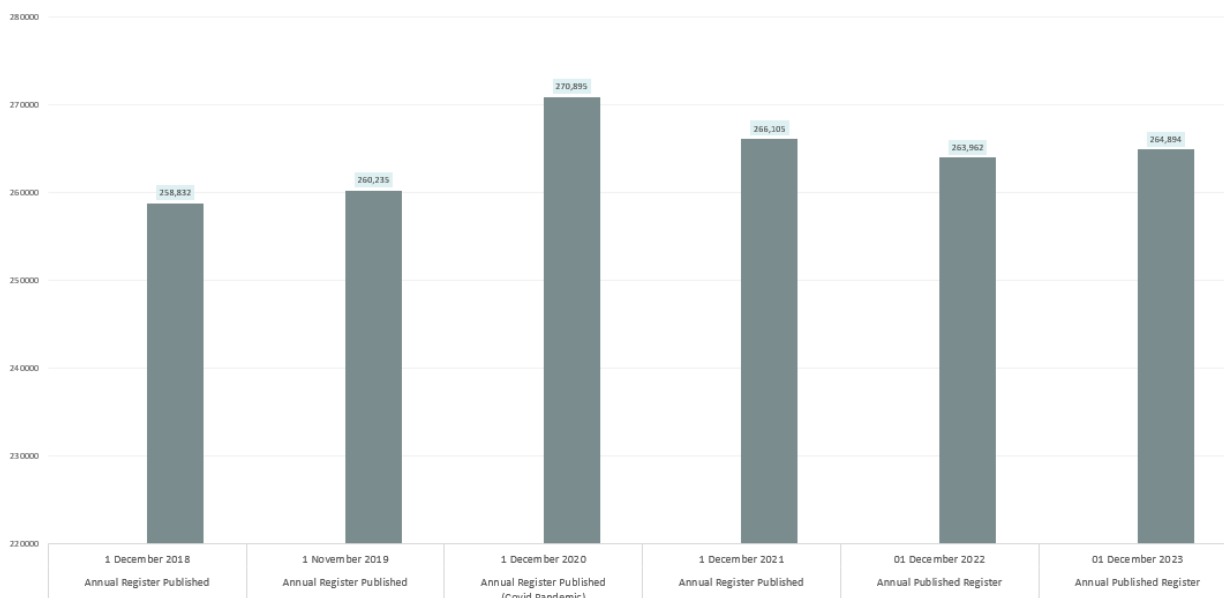
Analysis of Barnet’s Register of Electors

As has been acknowledged by the Electoral Commission; public interest in the UK’s major electoral events, combined with an accessible online registration process, increasingly drives high volumes of registration applications to occur just before elections. It has been true for a long time that it is elections, and particularly high-profile national elections that have wide media coverage, that drive people to register. By contrast, The Annual Canvass is better at removing people, especially those no longer eligible or that have moved out from households, from the register.

The graph below illustrates the movements of Barnet’s Register of Electors, based upon register publication, over the past six years, including Covid.

Full Register totals at Elections and Annual Publication 2018 to 2023

This graph (shown full size on page 9) shows the total number of registered electors at the annual date of publication of the Full Register of Electors and at last ‘Notice of Alteration’ before borough-wide elections.



2.1 Snapshot statistics from Barnet’s Electoral Register

- The number of electors on the register publication on 1 December 2023 was 264,894.
- 665 eligible 16 and 17year olds (‘attainers’) are currently registered across Barnet and will be able to vote as soon as they are 18.
- 30,665 EU nationals are currently registered to vote in Barnet – *32,554 on 1 December 2023 published register.*
- 54,513 electors in Barnet currently have a postal vote (*55,430 on 1 December 2023 published register*).
- 225 electors in Barnet currently have a proxy vote.
- 26 electors in Barnet currently have a postal proxy vote.

- 188,784 (71.3%) electors are 'Opted Out' of appearing on the Open Register (the version of the register that can legally be purchased by anyone).
- 321 Overseas Electors are currently registered in Barnet.
- 229 applications for a Voter Authority Certificate (VAC) were received between the launch in January 2023 until 31 December 2023.
- 135 new applications to vote by post were received on the new online portal since the launch on 31 October to 31 December 2023.
- 7 new applications for a proxy vote were received on the new online portal since the launch on 31 October to 31 December 2023.

Taking into account the figures above, and the additions and deletions detailed in the Introduction, there have been over 97,000 amendments made to Barnet's Register of Electors since 1 December 2022.

3. Priorities for Electoral Services in 2024

It is clear that 2024 will be an extremely busy year for the Electoral Services Team. The Mayor of London and GLA elections will take place on 2 May 2024 (already unique, as they will utilise a manual count for the first time at these specific elections) and of course, a General Election must also take place within the next twelve months.

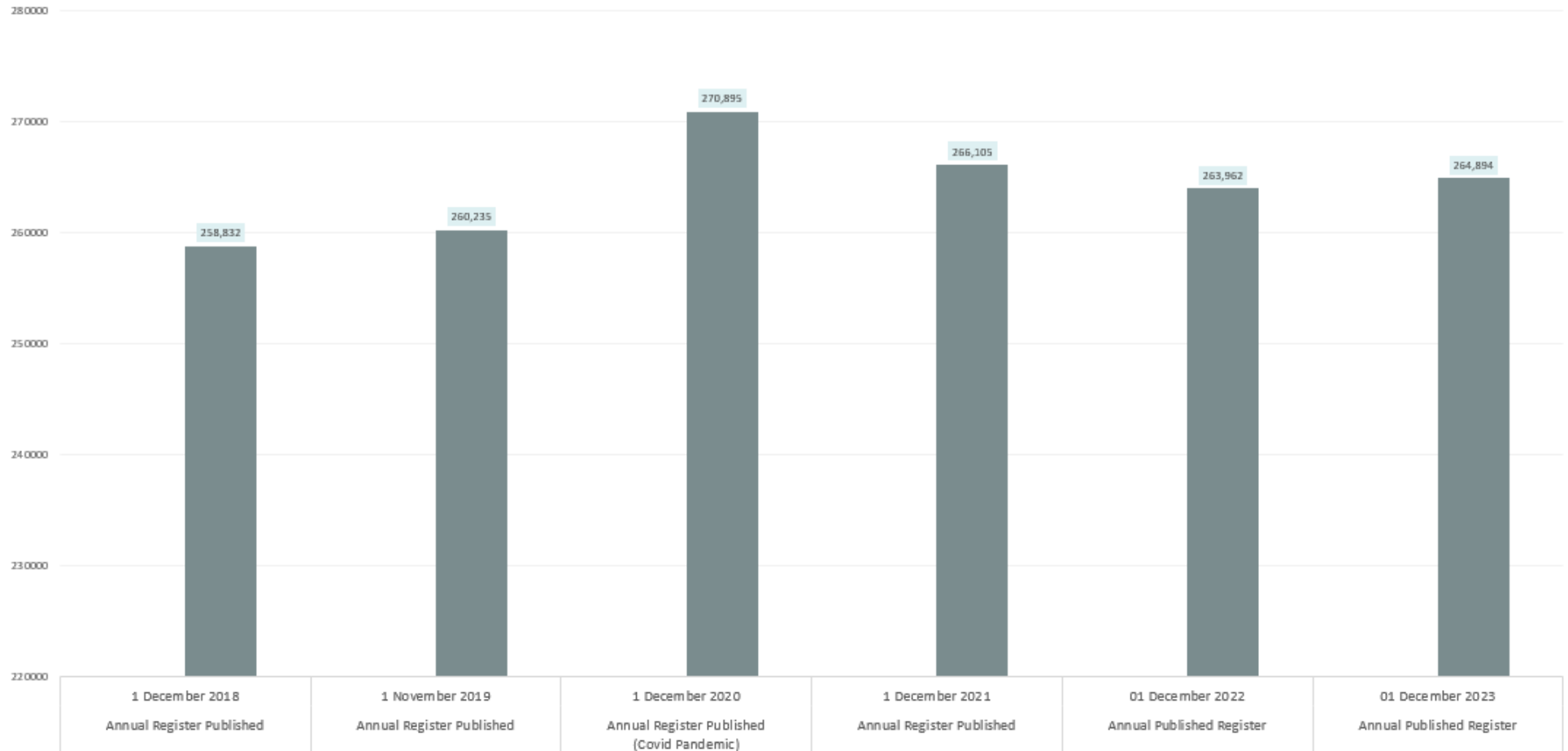
In addition, extra statutory duties have been brought in by the Elections Act 2022 that must already be applied across the work that the team does. Most of the changes were detailed in the report brought to Licensing and General Purposes Committee in November 2023 and include the key changes to absent vote applications, absent vote handling, overseas elector eligibility, the rights of EU citizens, accessibility requirements and, perhaps most significantly, the changes regarding Voter ID (including Voter Authority Certificates (VACs)).

- The project to deliver the Mayor of London and GLA elections in May 2024 has already commenced. There are a huge range of activities that go into delivering a high-profile borough-wide election, including election staff recruitment and training, procurement of the many polling and other election venues and of course, the publicity and other work that must take place with electors and residents (typically kicked off by the despatch of poll cards in March).
- Legislation dictates that there must be a UK Parliamentary General Election (UKPGE) held by 28 January 2025. Whilst there is much speculation about the date of the next election, the exact date is unknown, with the Prime Minister having the authority to call a Parliamentary election with as little as 25 working days' notice. Due to this, much preparatory work has already commenced (with particular consideration of a possible 'combined election' on 2 May 2024) and will continue throughout the year, to ensure the highest possible level of readiness for when the date is announced.
- Elector engagement will be a huge priority for the Electoral Registration Team in conjunction with the Communications Team for 2024. There has not been a major election in London since EA22 introduced Voter ID and the many changes to Absent Voting processes and rule, so these will be key messages. In addition, it is always important to prioritise awareness of registering to vote, along with where and how electors can vote (including recent changes to polling stations). We will work in

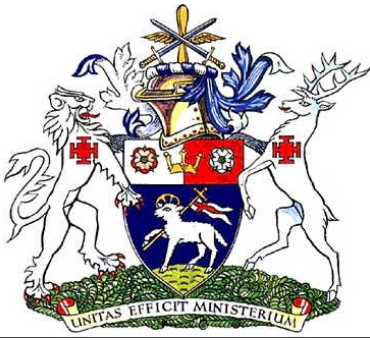
partnership with London Elects (the GLA's election communications team) and the Electoral Commission to promote these critical election messages ahead on 2 May 2024.

- In January, the Absent Vote Refresh commenced. Due to the change in legislation, brought in by the Elections Act, only electors with an existing proxy vote prior to 31 October 2023 were required to be written to for the 2024 process. The refresh process is now replaced by a renewal process, where electors must reapply for a proxy vote if required. The deadline to respond to the renewal letter is 31 January 2024, and any current proxy votes, who have not completed a new application, will be cancelled. Any elector whose proxy vote has been cancelled will then receive a letter informing them of this change.
- On 16 January 2024 the new online portal for overseas elector applications went live. As the previous '15-year rule' on eligibility has been removed under EA22, this is likely to add a huge demand upon the resources of the Electoral Services team. There has already been a spike in applications from overseas citizens (many of whom would not have previously been eligible), but this work will become particularly challenging once the date for the UK General Election is announced. The number of ex-pats now eligible to vote is estimated to have tripled with this change in law and over 1,500 overseas applications were received in Barnet at the last General election in 2019. Full training is already being undertaken by the core team – and this will continue as changes and enhancements are made to the portal (which is managed and maintained by central government).
- In February, as for the previous six years, Electoral Services will again conduct a full 'Household Notification Letter' (HNL) campaign. The HNL will be sent to every property in the borough and will include a flyer to promote new legislation such as Voter ID and the changes to applying for an absent vote. During this period, to supplement the daily and weekly processes that check for duplicate applications to join the electoral register, a full review is undertaken to identify and remove any duplicates that may occur (e.g. where different permutations of surname and forename, or use of middle names or initials may have been previously missed).
- In late May 2024 (after the May polls) another wave of EA22 legislation will come into force, this time regarding voting rights of EU Citizens. This will comprise of a two-stage process to review the eligibility of all already registered EU citizens, including a data matching process and then contacting any non-matched but registered EU citizens by correspondence and/or a personal visit.
- In June it will again be time for the borough-wide data matching exercise that now precedes the start of the annual household canvass.
- The Annual Canvass process will again take place for the whole borough between July and December 2024 (although this may be affected by the date of the UKPGE). We will aim to use more E-Comms for 2024 to increase response rates, while reducing printing and postage costs.

Registration figures 2018 - 2023



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AGENDA ITEM 6

Licensing & General Purposes Committee

Title	Review of Licensing Policy
Date of meeting	8 th February 2024
Report of	Executive Director of Assurance
Wards	All
Status	Public
Urgent	No
Appendices	Appendix 1 – Proposed Revised Policy Appendix 2 – Summary of Changes
Officer Contact Details	Ash Shah - Group Manager (Regulatory Services) Ash Shah@barnet.gov.uk 020 8358 2165

Summary

The Licensing Act 2003 places a responsibility on all licensing authorities to publish a licensing policy every 5 years. The Council, being a licensing authority, has a current policy which came into effect from January 2020. This report seeks approval from the Licensing & General Purposes Committee to authorise the licensing department to consult on the proposed revised policy.

Recommendations

- 1. That the draft Licensing Policy be approved for consultation and that the Officers be instructed to report to the Licensing & General Purposes Committee November 2024 meeting on the outcome for recommendation to Council.**

1. Reasons for the Recommendations

- 1.1 Pursuant to the Licensing Act 2003 ('the Act'), the Council is the licensing authority with responsibility for issuing licences under the Act for licensable activities in the Borough.
- 1.2 In accordance with the Act, the Council must prepare, consult on and publish a Licensing Policy which it proposes to have regard to when exercising relevant functions.

- 1.3 The proposed new policy is attached at Appendix 1. This policy must be reviewed at least every 5 years. The policy was last reviewed in January 2020 therefore it must be reviewed before January 2025.
- 1.4 Since April 2018, when determining or revising its licensing policy, an authority must consider any Cumulative Impact Assessments (CIA's) it has published. A licensing authority can publish a CIA to reduce the number of or types of applications granted in an area where there is evidence that the area is having a cumulative impact and causing problems which undermine the licensing objectives.
- 1.5 This Policy has a section related to CIA's and Cumulative Impact Zones (CIZ). This is a generic section outlining the impact of such a policy. Should the consultation in relation to the revised CIZ for Burnt Oak support this being adopted the area specified will be placed in an Annex to the main policy. This allows the CIZ to be reviewed, amended and removed without the need to change the main text in the policy. If the revised CIZ is not adopted the reference to Annex 3 will be removed and the policy will state that there are currently no CIZs within the Borough.
- 1.6 The policy must be kept under review by the licensing authority and may be changed at any time after adoption (after further consultation) and must be renewed at intervals of not less than five years.

2. Alternative Options Considered and Not Recommended

- 2.1 The Act states that the policy must be reviewed and consulted on before the 5 year period ends. The current policy expires in January 2025 and therefore there are no legal alternatives.

3. Post Decision Implementation

- 3.1 The Licensing Team will be consulting on the proposed policy from 12th February 2024 for 12 weeks.

4. Corporate Priorities, Performance and Other Considerations

Corporate Plan

- 4.1 This review of licensing policy and the revision of the CIZ supports the Council's priority in caring for its people, its places and indeed the planet. In particular, in creating a more family friendly borough whilst becoming a borough of fun; a place to enjoy ourselves, where people can meet, experience arts, culture, events, sports and hobbies that reflect our diverse communities.

Corporate Performance / Outcome Measures

- 4.2 No relevant to this report

Sustainability

- 4.3 No sustainability issues arising from the recommendations.

Corporate Parenting

- 4.4 Not relevant to this report.

Risk Management

4.5 It is important that the Council adopts a robust and accountable regulatory regime in relation to all Licensing. It needs to ensure that the risk of non-compliance and the regulatory burden to both the Local authority and to the trade is minimised.

Insight

4.6 Not relevant to this report

Social Value

4.7 Not relevant to this report

5. Resource Implications (Finance and Value for Money, Procurement, Staffing, IT and Property)

5.1 Administration and enforcement of the Act will be carried out by the Licensing team, together with support from Legal Services and from Governance Services. The cost of the administration and enforcement of the legislation is provided for in the fees received in relation to applications and annual fees. There are no further cost implications in reviewing the licensing policy.

5.2 Fees are kept under constant review to ensure that they accurately reflect recovery of costs incurred in administration of the licence process and compliance checks.

6. Legal Implications and Constitution References

6.1 Pursuant to s.5 of the Act, the licensing authority is required to determine its licensing policy in regard to the exercise of its licensing functions and publish the policy no later than every 5 years.

6.2 Before publishing the policy and in accordance with s.5 of the Act, the licensing authority must consult the following:

- a) The chief officer of Police for the Barnet area;
- b) The fire and rescue authority;
- c) Barnet's Director of Public Health;
- d) Persons it considers to be representatives of licence holders of premises licences;
- e) Persons it considers to be representatives of holders of club premises certificates;
- f) Persons it considers to be representatives of personal licence holders; and
- g) Such other persons it considers to be representatives of businesses and residents within the London Borough of Barnet.

6.3 Under the Licensing Act there are four statutory objectives to be met through licensing:

- a) Protection Children from harm
- b) Prevention of nuisance
- c) Public Safety
- d) Prevention of crime and disorder

A good policy ensures that these objectives are promoted by the London Borough of Barnet.

6.4 Section 5A of the Licensing Act 2003 details the requirements for publishing a CIA.

6.5 In accordance with Article 3 of the Constitution, the Council is responsible for approving the policy framework and the Council and its Committees retain responsibility for regulatory

functions, which includes licensing. The policy framework includes plans and strategies required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), which includes the Statement of Licensing Policy.

- 6.6 Under Part 2B, paragraph 6.1.4 of the Constitution, the powers and duties of the Licensing and General Purposes Committee includes determining all matters and duties on the authority imposed by legislation, regulations, order, codes and similar provisions for all activities under the Licensing Acts.
- 6.7 In accordance with Part 3D, paragraph 8.1 of the Constitution, Budget and Policy Procedure Rules, a copy of any proposed plan or strategy which is part of the policy framework shall also be referred to the Overview and Scrutiny Committee in sufficient time for the proposals to be included in the agenda for a scheduled meeting of the Committee, and for the Committee to make a report or recommendations to the meeting of the Council that is to consider the plan or strategy concerned. The Council shall not agree a plan or strategy until the Overview and Scrutiny Committee has had the opportunity to consider the proposals, subject to the need for statutory deadlines to be met.

7. Consultation

- 7.1 A full consultation will be undertaken in relation to this matter, in compliance with s.5 of the Act.
- 7.2 The consultation document will also be sent to all responsible authorities, councillors, persons it considers to be representatives of each type of current licence holders in our area. It will also be available for viewing on the Council website.
- 7.3 If approved by the Committee, the policy will be submitted for consultation with the parties identified above for a period of 12 weeks. All replies will be taken into account and the policy, revised as necessary, will be submitted to this Committee for final approval at its meeting in November 2024. The Committee will then be asked to recommend that the policy be adopted at the next meeting of the full Council before being published in January 2025.

8. Equalities and Diversity

- 8.1 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.
- 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.

9. Background Papers

- 9.1 Licensing Committee Meeting November 2019 – [Proposed adoption of the Licensing Policy 2020-2025](#)
- 9.2 [Statutory Guidance issued under section 182 Licensing Act 2003 \(August 2023\)](#)
- 9.3 [Licensing Act 2003](#)

London Borough of Barnet Licensing Act 2003 Licensing Policy

Effective from ****
(Approved at Full Council on
****)

Author	Group Manager (Regulatory Services)
Directorate/Director	Assurance Directorate Executive Director of Assurance
Responsible Committee	Licensing & General Purposes Committee
Commencement Date	**/**/2025
Review Date	**/**/2030

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1. Introduction

- 1.1 The London Borough of Barnet covers an area of 8,675 hectares and has a population of approximately 389,300, which is the 2nd largest of all the London Boroughs.
- 1.2 Within Barnet there is considerable variation in the size of wards, so it is useful to look at the population density of each ward to gain a deeper understanding of the distribution of population within the borough. In 2021, Colindale South is projected to be the most densely populated borough with 12,683 residents per km², which is considerably higher than the average population density of the borough (5846 residents per km²). In contrast, Colindale North, Edgwarebury, High Barnet and Totteridge & Woodhouse have population densities of less than 2,000 residents per km². With the exception of West Finchley, the 5 wards with the highest population densities are concentrated in the south of the borough and those with the lower population densities tend to be in the north of Barnet
- 1.3 The Borough is mainly urban in character, being made up of a number of separate retail and commercial centres each surrounded by residential accommodation. However 28% of the borough is greenbelt with over 200 parks and greenspaces.
- 1.4 Our plan for Barnet 2023 - 2026 sets out the vision new vision for Barnet: one that puts Caring for People, our Places and the Planet at the heart of everything we do.
- 1.5 The Licensing Policy under the Licensing Act 2003 has a role to play in promoting these priorities and ensuring, where applicable, that it is achieved, subject to the requirements of the legislation and statutory guidance.
- 1.6 The London Borough of Barnet supports a diverse and vibrant daytime, evening and night economies all complementing and benefitting from each other.
- 1.7 Local licensed premises need to operate and flourish within the requirements of relevant licensing legislation, statutory guidance and the local licensing policy but effective management and partnership working with other businesses, regulators and other relevant stakeholders should ensure this is achieved. Barnet has a diverse residential community and needs to be able to offer that community venues that meet its needs, offering as wide a range of entertainment, food and leisure as is possible. This includes pubs, clubs, restaurants and entertainment venues of varying types, which would include the use of open spaces.
- 1.8 London is a 24 hour City. The Mayor of London has published the document entitled 'A Vision for London as a 24 Hour City' (available from [London.gov.uk](https://www.london.gov.uk)), which sets out the Mayor's desire to see creativity and talent flourish and which also acknowledges the economic benefits that a vibrant and diverse night time economy can bring. Encouraging and permitting such an economy needs to be balanced against the needs and rights of residents and other businesses and to ensure that where premises provide licensable activities, this is done in a way that promotes the four licensing objectives in the Act. The London Borough of Barnet will ensure that premises are well managed to ensure compliance with the licensing objectives and that there is no increased noise, crime, anti-social behaviour, and to reduce any potential negative effects on the health and wellbeing of Londoners.

- 1.9 Licensing is a balance and requires consideration of all these various, sometimes conflicting, needs.
- 1.10 For the purposes of this 'Statement of Licensing Policy', the licensing authority under the Licensing Act 2003 (the Act) is the London Borough of Barnet.
- 1.11 The Act requires that the Licensing Authority carries out its various licensing functions so as to promote the following four licensing objectives:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 1.12 The London Borough of Barnet has produced this Licensing Policy Statement in accordance with the provisions of the Licensing Act 2003 and the guidance issued under Section 182 of the Act by the Home Office.
- 1.13 The aim of this licensing policy is to set out how the Licensing Authority, will seek to meet the four licensing objectives and has been devised based on best practice.
- 1.14 This policy succeeds Licensing Authority Policy statement dated January 2020 and whilst subject to on-going review will be in force for a period of 5 years from January 2025.

2. Scope

- 1.15 The sale and supply of alcohol, the provision of regulated entertainment, and of late night refreshment play a key role in our economy and society and are activities which takes place throughout the Borough. How the Licensing Authority deals with this issue will impact on many residents and businesses.
- 1.16 The licensing policy will form an important part of the development strategy for the Borough and will work in connection with:
- The London Borough of Barnet Enforcement and Prosecution Policy
 - The Human Rights Act 1998
 - Crime and Disorder Act 1998
 - Equality Act 2010 and other anti-discrimination legislation,
 - Guidance issued by the Home Office on behalf of the Secretary of State under section 182 Licensing Act 2003
 - Police Reform and Social Responsibilities Act 2011,
 - Live Music Act 2012

*The above is not an exhaustive list.

- 1.17 The licensing policy has 3 main purposes:
- To inform licence applicants of the parameters under which

the Licensing Authority will make licence decisions, and therefore how a licensed premises is likely to be able to operate within an area¹.

- To inform residents and business of the parameters under which the Licensing Authority will make licence decisions and therefore how their needs will be addressed.
- To assist the elected Members on the licensing Committee in relation to the powers of the Licensing Authority and the limits of those powers, and to provide them with parameters under which to make decisions.

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

- The sale by retail of alcohol for consumption on or off the premises
- Supply of alcohol to club members
- Provision of “regulated entertainment” – to the public, to club members or with a view to profit. This includes the;
- Performance of a play
- Exhibition of a film
- Indoor sporting events
- Boxing or wrestling entertainment
- Performance of live music
- Playing recorded music
- Performance of dance
- The provision of late night refreshment being the supply of hot food and/or drink from any premises between 11pm and 5am.

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

3. Development of this policy

1.20 There are a number of groups who have a stake in licensing, including providers, customers, residents and regulators, all who have views and concerns that require consideration as part of the licensing function. Before publishing this licensing statement, the Licensing Authority consulted widely, including with the chief borough police officer, the chief officer of the London fire brigade and bodies representing local holders of premises licences, club premises certificates, personal licences and businesses and residents in the borough.

1.21 The Licensing Authority has given proper weight to the views of all the persons/bodies consulted before publishing this finalised licensing statement.

4. Fundamental Principles

1.22 The Licensing Authority will carry out its various licensing functions ensuring it promotes the four licensing objectives:

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

1.23 The Licensing Authority is not expected to act as a responsible authority on behalf of other parties (for example, local residents, local Councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so.

1.24 However, if these bodies have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as a responsible authority.

1.25 Any responsible authority may make representations with regard to any of the licensing objectives where it has evidence to support the same. It is also reasonable for the licensing authority to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority.

For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.

1.26 In determining a licence application the overriding principle will be that each application will be determined on its individual merits.

1.27 Nothing in the Licensing Policy will:

- Undermine the rights of any person to apply the Act for a variety of permissions and have the application considered on its individual merits.
- Override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act.

1.28 The decision taken by the Licensing Authority will be focused on matters that are within the control of the individual licensees and others granted relevant permissions in accordance with the legislation and Statutory Guidance. Accordingly, these matters will centre on the premises and places being used for licensable activities and the

vicinity of those premises and places. The Licensing Authority will focus on the direct impact of activities taking place at the licensed premises on both adults and children living in, working in or visiting the area concerned.

- 1.29 In taking its decisions, the Licensing Authority will take into account that licensing law is not the primary mechanism for the control of anti-social behaviour once individuals are beyond the direct control of the premises concerned. Nonetheless, licensing law will be part of a holistic approach to the management of the evening and night-time economy in town and city centres
- 1.30 Licence conditions imposed will be relevant to the individual application and appropriate to meet the licensing objectives. Licence conditions will not be imposed where other regulatory regimes, such as fire safety legislation, provide sufficient protection for patrons and other members of the public.
- 1.31 Individual applicants are expected to address the licensing objectives in their Operating Schedule within the context of the nature of the location, type of premises, regulated activities to be provided, operational procedures and the needs of the local community.
- 1.32 Where an application is made for a new or transfer and/or variation of a licence, in respect of premises that have closed and that closure was to a relevant extent as a consequence of crime and disorder and/or nuisance issues at the premises, the Licensing Authority would expect the applicant to make clear in their Operating Schedule how they will ensure the crime and disorder and public nuisance objectives will be met, bearing in mind any previous crime and disorder/nuisance concerns there may have been.
- 1.33 The Licensing Authority recommends that all applicants carry out sufficient risk assessments for the activities on their premises, and that the findings are put into practice. The Licensing Authority encourages applicants to carry out an assessment of the likely impact of the activities to be carried on at the premises, with a view to identifying any control measures that may be appropriate.
- 1.34 The Licensing Authority encourages applicants to send risk assessments as well as any other supporting documentation with the application.
- 1.35 Appropriate weight is given to all relevant representations made to the Licensing Authority. This does not include those representations which are considered to be frivolous, vexatious or repetitious, which will be disregarded.

5. Approach to licensing applications

- 1.36 When exercising its licensing functions the Licensing Authority will not be influenced by the question of need. The question of whether or not there is a need for any particular premises is a commercial matter which is not relevant to the Licensing Authority's considerations. The issue of need may be a matter for planning consideration or for the market to decide and does not form part of this licensing policy statement.
- 1.37 However, the Licensing Authority recognises that a significant number and type of

licensed premises in a particular area may lead to problems of crime, disorder and nuisance and notes that in accordance with the Statutory Guidance to the Act, their cumulative impact on the promotion of the licensing objectives is a proper matter for the Licensing Authority to consider.

- 1.38 For example, national analysis of alcohol sales data (sales in the on and off trade) has shown a positive association at local authority level between off-trade sales and alcohol-specific hospital admissions. For more information please see [Appendix 3](#).

Cumulative Impact Assessment and Cumulative Impact Zones

- 1.39 A Cumulative impact Assessment (CIA) may help to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.
- 1.40 CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area. Temporary event notices are not affected.
- 1.41 While the evidence underpinning the publication of a CIA should generally be suitable as the basis for a decision to refuse an application or impose conditions, it does not change the fundamental way that decisions are made under the Act. Each decision in an area still needs to be made on a case-by-case basis and with a view to what is appropriate for the promotion of the licensing objectives.
- 1.42 There must be a good evidential basis for a decision to publish a CIA. Information which licensing authorities may be able to draw on includes:
- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
 - statistics on local anti-social behaviour offences;
 - health-related statistics such as alcohol-related emergency attendances and hospital admissions;
 - environmental health complaints, particularly in relation to litter and noise;
 - complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
 - residents' questionnaires;
 - evidence from local and parish councillors; and
 - evidence obtained through local consultation
- 1.43 The licensing authority may consider this evidence, alongside its own evidence of the impact of licensable activities within its area, and consider in particular the times at which licensable activities are carried on. Information which may inform consideration of these issues includes:
- trends in licence applications, particularly trends in applications by types of premises and terminal hours;
 - changes in terminal hours of premises;
 - premises' capacities at different times of night and the

expected concentrations of drinkers who will be expected to be leaving premises at different times.

- 1.44 Where the Licensing Authority recognises that there is such a cumulative effect it will consider adopting a specific Cumulative Impact Zone (CIZ) for that area, if this is shown to be necessary. In these circumstances, the Licensing Authority may consider that the imposition of conditions is unlikely to address the apparent problems and may consider the adoption of a CIZ whereby there will be a presumption that new premises licence or club premises certificate applications, or applications to materially vary a premises licence, will be refused, (although also see paragraph 5.12) . A material variation may be, for example, an increase in permitted hours or to add a licensable activity onto a premises licence.
- 1.45 Based on the Statutory Guidance to the Act, in deciding whether to adopt such a Policy in an area, the Licensing Authority will consider the following:
- Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots
 - Statistics on local anti-social behaviour offences
 - The density and number of current premises selling alcohol
 - Alcohol use and misuse in the local population
 - Alcohol specific hospital admissions for under 18's
 - Ambulance incidents and dispatches
 - Statistics on alcohol related emergency attendances and hospital admissions
 - Complaints recorded by the local authority
 - Evidence from local councillors and Police
 - Evidence obtained through local consultation.
- 1.46 The location of the current Cumulative Impact Zones adopted by the London Borough of Barnet can be found in [Appendix 4](#) of this policy.
- 1.47 The effect of a Cumulative Impact Zone for the areas listed in [Appendix 4](#) is that where relevant representations are received on any new applications for a premises licence to sell alcohol off the premises, or on a material variation to an existing such premises licence there will be a presumption under the special policy that the application will be refused.
- 1.48 The Cumulative Impact Zone is intended to be strict, and will only be overridden in genuinely exceptional circumstances. A 'rebuttal presumption' will be applied to every application in a CIZ unless it can be demonstrated that the granting will not negatively impact on the cumulative impact. The Licensing Authority will always consider the individual circumstances of each application; even where an application is made for a proposal that is apparently contrary to the CIZ. Applications in an area covered by a CIZ should consider any potential cumulative impact issues when setting out the steps they propose to take to promote the licensing objectives.
- 1.49 It is not possible to give a full list of examples of when the Licensing Authority may treat an application as an exception. However, in considering whether a particular case is exceptional, the Licensing Authority will consider the reasons underlying the policy.

- 1.50 The Licensing Authority will not consider a case to be exceptional merely on the grounds that the premises have been or will be operated within the terms of the conditions on the licence, or that are or will be generally well managed because of the reputation or good character of the licence holder or operator. This is expected in the conduct of all licensed premises. Moreover, licences are for premises and can be easily transferred to others who intend to operate within the scope of the licence and its conditions.
- 1.51 The Licensing Authority will review the special policies regularly to see whether they have had the effect intended and whether they are still needed or whether they need expanding.
- 1.52 The Licensing Authority will not use these policies solely:
- As the grounds for removing a licence when representations are received about problems with existing licensed premises, or,
 - To refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for an extension in permitted hours or to add a licensable activity.
- 1.53 The Licensing Authority recognises though that where no relevant representations are made in relation to an application in a cumulative impact area, the application must be granted in terms consistent with the applicants operating schedule.
- 1.54 The Licensing Authority recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and characteristics and will have full regard to those differences and the differing impact these will have on the local community.
- 1.55 It therefore also recognises that, within the Cumulative Impact Policy areas, it may be able to approve licences that are unlikely to add significantly to the existing problems, and will consider the circumstances of each individual application on its merits.

6. Public safety

- 1.56 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants will be expected to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.
- 1.57 The Act covers a wide range of premises that require licensing including: cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants, members clubs, fast food outlets and other entertainment venues. Each type of these premises present mixtures of risks with are common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted so as to safeguard occupants by minimising these risks.

- 1.58 The Licensing Authority will expect Operating Schedules to satisfactorily address public safety issues and applicants are advised to seek appropriate Health and Safety advice and consult the London Fire and Emergency Planning Authority before preparing their plans and schedules.
- 1.59 The following examples of influencing factors are given to assist applicants when addressing the issue of public safety during the preparation of their Operating Schedule:
- the number of people attending the premises
 - the condition, design and layout of the premises, including the means of escape in case of fire
 - the nature of the activities to be provided, in particular the sale of alcohol and including whether those activities are of a temporary or permanent nature
 - the hours of operation and hours of opening if different
 - customer profile (i.e. age, mobility)
 - the use of special effects such as strobe lighting, lasers, pyrotechnics, smoke machines, foam machines etc
- 1.60 Applicants are reminded that any performers are also members of the public and as such their safety should be specifically addressed in operating schedules.
- 1.61 Where door supervision is in operation, supervisors must be registered with the Security Industry Authority. The Licensing Authority strongly recommends that a record of SIA registered staff on duty in this capacity is maintained on the premises and that an incident report book is maintained. Both of these records should be available for inspection at all reasonable times by authorised officers of the Council or a Police Officer.
- 1.62 Public safety will be promoted by the effective management and operation of the licensed activities, these should be reflected in the operating schedule of the licence application. The issues addressed could include, where relevant:
- Effective and responsible management of premises
 - Provision of a sufficient number of people employed or engaged to secure the safety of everyone attending the premises or event, i.e. number of door supervisors within nationally accepted standards (and having SIA accreditation where necessary)
 - Appropriate instruction, training and supervision of those employed or engaged to secure the safety of everyone attending the premises or event
 - Suitable customer-care policies for assisting lone customers taken ill or injured etc. at the premises
 - Provision of effective CCTV in and around premises
 - Provision of toughened or plastic glasses
 - Implementation of crowd management measures
 - Regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety codes and standard.

7. Protection of children from harm

- 1.63 The wide range of premises that require licensing means that children can be expected to visit them, often on their own to buy food and/or avail themselves of the entertainment.
- 1.64 Although the 2003 Act details certain age and/or time limitations on the admission of accompanied or unaccompanied children to certain types of licensed premises, the Council recognises that additional limitations may have to be considered where it appears necessary to protect them from physical, moral or psychological harm.
- 1.65 While no policy can anticipate every situation, the following are examples of premises that will raise concern:
- Any licence holder or employee has been convicted of serving alcohol to minors or the premises have a reputation for underage drinking.
 - Premises where there is evidence of an association with drug taking or drug dealing.
 - Gambling takes place on the premises, except for the provision of a small number of cash prize machines. (The Licensing Authority expects all premises which have gambling on the premises to have read its policy on Gambling licensing in relation to this exemption for small cash prize machines)
 - Whenever entertainment or services of an adult nature or sexual nature are provided.
 - Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 1.66 It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature and the Council acknowledges that any such proposal will require careful discussion with the applicant and responsible authorities. However, as a guide (notwithstanding the implications of the re classification of lap dancing type venues brought about by section 27 of the Policing and Crime Act 2009), the provision of topless bar staff, striptease, lap table or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong or offensive language would be included in any such considerations.
- 1.67 Where it is considered that the protection of children from harm requires conditions to limit their access to any premises, the Licensing Authority will consider options such as:
- Limitations on the hours when children may be present.
 - Limitations on ages below 18.
 - Limitations or exclusion when certain activities are taking place.
 - Limitations on parts of the premises to which children might be given access
 - Requirements for an accompanying adult.
 - Full exclusion of people under 18 from the premises when

any licensable activities are taking place.

1.68 Protection from harm issues may be addressed by the following examples of good practice being included in the operating schedule, where appropriate:

- Effective and responsible management of premises
- Provision of a sufficient level of adult supervision
- Appropriate instruction and training for staff in the prevention of underage sales, including acceptance of accredited 'proof of age' identification, such as a photo card driving licence, a passport, a citizens card, a validate card or a scheme which carries the PASS hologram logo
- Keeping a 'refusal' book
- Methods employed for the prevention of unlawful supply, consumption, and use of alcohol, drugs and other products
- A notice giving details of any restrictions relating to access by children is displayed.
- The provision of unbreakable drinking "glasses" for children (especially relevant for premises with play areas and/or including outdoor areas).
- The provision of suitable safe child seating (stable high chairs with straps in dining areas etc.)
- Provision for child friendly facilities (low urinals, smaller w.c; low wash basins and provision of nappy changing facilities etc.)
- Arrangements for the inspection of play areas and/or equipment on licensed premises.
- Any instructions to be issued to staff about action to be taken in the event of concerns for the welfare of children in the care of intoxicated parents on licensed premises.
- Any other relevant issues relating to protecting children from harm.
-

1.69 As an important element in the protection of children from harm, the Council recognises the need for alcoholic drinks to be named, packaged and promoted in such a manner as not to appeal to or attract those under 18 years old.

1.70 The Council therefore commends the Portman Group's 'Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks' to licensees and expects that they will act on any Retailer Alert Bulletins issued under that Code.

Showing of Films, Videos etc

1.71 In accordance with Section 20 of the Act where the exhibition of films is permitted, the specified classification body will normally be the British Board of Film Classifications and the Licensing Authority will require age restrictions to be strictly complied with in accordance with their recommendations.

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

Children and Public Entertainment

- 1.73 Many children go to see and/or take part in an entertainment arranged especially for them (e.g. children's film shows, dance productions) and additional arrangements are required to safeguard them while they are at the premises.
- 1.74 Where a regulated entertainment is specially presented for children, the Licensing Authority will require their safety to be specifically addressed in the Operating Schedule, including where appropriate:
- Numbers and locations of supervising adults. Supervising adults should remain in the area(s) occupied by children, in the vicinity of each exit. The minimum number of attendants on duty should be a minimum of one member of staff per 50 children;
 - Supervision of other areas of the premises during performances;
 - Arrangements for entry and departure from the premises;
 - Whether supervising adults employed or deployed by the organiser will be required to provide a current (less than 3 years old) disclosure from the Criminal Records Bureau and to renew this every 3 years.

8. Prevention of crime & disorder

- 1.75 The London Borough of Barnet is committed to reducing crime and disorder in the Borough and creating an environment where people feel safe.
- 1.76 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in the Borough. The Licensing Authority also has responsibilities under the Anti-Social Behaviour Act 2003.
- 1.77 Licensed premises, especially those offering late night/early morning entertainment, alcohol and/or refreshment, can be a source of crime and disorder problems or may attract people who may cause such problems.
- 1.78 The Licensing Authority will expect applicants to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained so as to minimise or prevent crime and disorder in and around the vicinity of their premises and events.
- 1.79 The Licensing Authority recommends that for certain events, a comprehensive risk assessment is undertaken by premises licence applicants & holders to ensure that crime and disorder and public safety matters are identified and addressed. For larger public events, including those in open spaces and for premises that wish to stage promotions or events, the Licensing Authority recommends that licence applicants and holders address Risk Assessment and post event debrief processes in their application Operating Schedule/event planning. Applicants and premises licence holders are recommended to engage the services of suitably trained individuals or companies to assist them in this risk assessment process. In addition, they may seek guidance and

advice from the Licensing Authority or the Metropolitan Police, though neither body is able to actually undertake such risk assessments for applicants/licence holders. It is their responsibility.

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

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

*The London Borough of Barnet has designated public place orders in relation to drinking alcohol in a number of areas. For a current list of these areas please see: <https://www.barnet.gov.uk/pspo>

1.81 In considering all licence applications, the Licensing Authority will consider the adequacy of measures proposed in the operating schedule to deal with the potential for crime and public disorder having regard to all the circumstances of the case.

1.82 The Licensing Authority will expect to see these issues addressed, where appropriate, by good management practices. Examples of ways to address this include:

- Effective and responsible management and supervision of the premises, including associated open areas, appropriate storage of alcohol, discouraging loitering/consuming alcohol outside the premises, ensuring opening hours are adhered to
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of crime and disorder
- Measures to prevent crime and disorder and anti-social behaviour have been taken, such as the use of CCTV or the employment of registered door supervisors
- Measures proposed to prevent the consumption or supply of illegal drugs, including any search procedures,
- Crime prevention design, including appropriate lighting of

exterior areas

- The amount of seating that is provided and seat/table ratio to drinking area.
- Door supervision, including screening for weapons and drugs.
- Other measures to control violent, drunken or abusive behaviour, including exclusion of trouble makers and refusal to sell to those who are or appear to be drunk or under age and in appropriate circumstances, the use of toughened and/or polycarbonate glasses and the refusal to supply drinks over the counter in glass bottles.
- Methods to discourage drinking in public places in the vicinity of the premises.
- In premises seeking to sell alcohol for consumption off the premises, whether displayed stock will be in the view of staff at all times and/or covered by CCTV and whether spirits will be kept behind the counter.
- Methods to discourage and prevent, in so far as possible, the handling and distribution of stolen, counterfeit or other illegal goods by customers and staff.
- Whether radio or other means of communication will be used.
- How the management of the premises will avoid irresponsible drinks promotions.
- Any other relevant issues relating to the prevention of crime and disorder

- 1.83 In addition to the statutory requirements for plans, applicants should indicate on the plan provided to the Licensing Authority the proposed locations for the display and storage of any alcohol and the locations where sales and/or consumption will take place.
- 1.84 In order to avoid disruption to businesses during the absence of the Designated Premises Supervisor, the Licensing Authority strongly recommends that a minimum of one additional member of staff should hold a personal licence. It is considered good practice for personal licence holders who authorise others to sell alcohol to formalise the authorisation process and the Licensing Authority encourages such authorities to be written in clear and unambiguous terms.
- 1.85 The Licensing Authority strongly encourages Designated Premises Supervisors and others connected with the retail sale of alcohol to attend meetings supported by the Licensing Authority and/or the Borough Police aimed at the reduction of crime and disorder. An example of this would be the Pubwatch Scheme(s).
- 1.86 In addition to the above, recent times have seen a significant increase in terrorist attacks and the threat from terrorist attacks. Licensed premises, licensed open spaces and public events, where large numbers of people may gather can unfortunately be a target for terrorist activity. Licence/certificate applicants and holders and people submitting temporary event notices are therefore recommended to ensure they have assessed, planned and initiated suitable control measures to counter and mitigate against such a terrorist attack. To assist, licence applicants/holders and persons

submitting temporary event notices are recommended to acquaint themselves with the content of the following documents:

- Counter Terrorism Protective Security Advice for Bars, Pubs and Nightclubs, produced by ACPO, Police Scotland & NaCTSO
- Protecting Crowded Places: Design and Technical Issues, produced by the Home Office

1.87 The Metropolitan Police will be able to provide further assistance and guidance with regard to these specific documents and counter terrorism measures

9. Public Nuisance

1.88 In addition to the requirements of the Licensing Authority to promote the licensing objectives, the London Borough of Barnet also has a duty under the Environmental Protection Act 1990 to do all it reasonably can to prevent nuisance, including noise.

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

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

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

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

- Noise emanating from the premises included extended areas such as beer garden and smoking areas, including whether noise suppression and/or cut-off devices will be used.
- The times of operation of outside areas where persons congregate for periods of time, such as beer gardens
- Noise, anti-social behaviour and other disturbances caused by persons leaving the premises.
- Urination in public places in the vicinity of the premises (including the adequacy of lavatories provided at the premises).
- Congregation of persons from the premises whether

- consuming alcohol or not
- Noise from vehicles driven by, delivering or collecting customers.
- Where more than one licensable activity is permitted whether different times of finishing will apply (e.g. serving alcohol ceases at a specific period before musical entertainment finishes).
- Whether there will be a drinking up time before the premises close.
- Whether there will be a terminal hour or specific period before closure after which there will be no further admissions or readmissions to the premises.
- Litter.
- Light pollution.
- Any proposed fireworks.
- Whether the arrangements to dispose of refuse from the premises is conducted at a reasonable hour.
- Any other relevant issues relating to nuisance.

10. Health Considerations of Licensing

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

11. Live Music, Dancing & Theatre

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

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

1.95 The Licensing Authority draws all applicant's attention to the Schedule 1 of the Act dealing with regulated entertainment, as amended by the Live Music Act 2012 and other similar deregulations to the provision of regulated entertainment.

1.96 Where applicants are minded to consider restricting the timings of live or recorded music in an attempt to satisfy responsible authority concerns, the Licensing Authority recommends that they also consider conditions in relation to the application of the deregulation. This is applicable when the application is requesting the sale of alcohol on the licence and would be entitled to utilise the deregulations mentioned above. In such circumstances, it is advisable that the applicant speaks to the Noise Nuisance department prior to submitting their application.

12. Representations

- 12.1 A person can make a representation in support of or against an application. Representations should be made in writing to the Licensing Authority. The interested party must ensure they include their name, address and contact details. Please be aware that the Act requires all parties that wish to make a representation in respect of an application ensure that their name and addresses are included in the representation to make it valid.
- 12.2 The name and address is required so that the Licensing Authority and the applicant or their representation can validate that the person making the representation is disqualified to do so in terms of living or working in the vicinity of the premises concerned.
- 12.3 In exceptional cases an interested party can request the Licensing Authority to withhold their details, in any event the original letter must contain the information required.
- 12.4 All representations will be available in the public domain and some will be contained in reports that will be able to be viewed on the website.
- 12.5 All representations must be about the likely effect of granting the licence or certificate on the promotion of at least one of the four licensing objectives. It would be wise, therefore, to explicitly link any representation to one or more of the objectives.
- 12.6 It will also assist if the representations are specific to the premises and evidence based. Interested parties may, therefore wish to talk to the relevant responsible authority beforehand, or document problems themselves by, for example, keeping a diary or photographic evidence of any incidents.
- 12.7 The Licensing Authority will need to be satisfied that there is an evidential and causal link between the representations made, and the effect on the licensing objectives.
- 12.8 In addition, the Licensing Authority can only consider representations that are not “vexatious” or “frivolous”. Whether representations are frivolous or vexatious will be for the Licensing Authority to determine. For example, the Licensing Authority might find the representations were vexatious if they arise because of disputes between rival businesses or they might be frivolous representations if they plainly lacked seriousness.
- 12.9 It is also important that an applicant is able to respond to a representation, for example, if they believe that it is not a “relevant” representation. If interested parties are concerned about possible intimidation, they could consider asking the appropriate responsible authority to make a representation on their behalf.
- 12.10 If no relevant representations are made, the licence or variation must be granted, therefore interested party representations are very important.
- 12.11 It may be beneficial for those wishing to make a representation to get the backing of other people living, or businesses operating in the vicinity of the premises.

- 12.13 If any party is considering raising a petition, it is important to ensure that the Licensing Authority can determine whether all the signatories are within the ‘vicinity’ of the premises. So, including addresses and indicating clearly what representation(s) they are all making is essential.
- 12.14 If interested parties want to ask another person, such as an MP or local Councillor to represent them, it is advisable to make such a request in writing so that the individual can demonstrate he or she was asked.
- 12.15 Representees should address how they would like the situation to be rectified. The Licensing Authority often has to balance conflicting needs when determine licensing applications, it is beneficial for representees to outline what they feel would resolve or reduce their concerns.

13. Temporary Event Notices (“TEN”)

- 1.1. Whilst the Act requires 10 working days’ notice to be given of the temporary event (exclusive of the day which the event is to start and the day on which the notice is given), it is advisable that applicants contact the Licensing Authority at an early stage before a formal application is made. This is particularly important for large events and will enable responsible authorities to consider proposals. Early consideration will allow issues and the licensing objectives to be addressed and may avoid objections from the police and/or the Environmental Health Department.
- 1.2. Applicants should be aware that the serving on the Licensing Authority of a TEN does not remove their obligations under other legislation. Where appropriate, permissions should be sought from the appropriate body. The Licensing Authority expects that applicants understand their obligations in respect of:
- Planning permissions
 - Health and safety
 - Noise pollution
 - The erection of temporary structures
 - Road closures
 - The use of pyrotechnics
 - Anti-social behaviour
- 1.3. Applicants intending to sell alcohol should be aware that it is an offence to supply alcohol to minors or persons who are drunk. Also that the Police have powers to close down events without notice on the grounds of disorder, the likelihood of disorder or because of public nuisance caused by noise.
- 1.4. Applicants should be aware that a limit of 499 people at any one time applies to temporary events and failure to comply with this limit may lead to prosecution. Organisers should be aware this is the total number of persons, not customers, therefore staff should be included in this number.
- 1.5. Where appropriate, organisers are strongly recommended to employ means of

recording the number of persons entering and leaving the premises.

- 1.6. The attention of applicant is drawn to the Licensing Authorities need to be provided with adequate information on the TEN. The applicant should make clear:
- The nature of the event
 - If the event involves live or DJ music
 - whether it is open to the public or section of the public

The applicant should also ensure all fields on the application form are completed, including their national insurance number.

If a TEN is submitted without the required information it will be refused as invalid. In these circumstances any fee submitted is non-refundable.

Late Temporary Events Notices

- 1.7. Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. For the Licensing Authority to be able to accept the application, the applicant should confirm that they are submitting a late TEN. Failure to do so will deem the TEN invalid. In these circumstances any fee submitted is non-refundable.

14. Integrating strategies & avoiding duplication

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

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

- 1.10. The Licensing Authority expects all applicants to ensure that they have both the relevant Licensing and Planning consents in place in relation to their business prior to commencing trading.
- 1.11. There may be circumstances when as a condition of planning permission a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant MUST observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

15. Enforcement.

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

of monitoring and enforcing compliance with licensing requirements.

16. Administration, delegation & exercise of functions

- 1.17. The Licensing Authority is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 1.18. Appreciating the need to provide a speedy, efficient and cost effective service to all parties involved in the licensing process, the Licensing Authority has delegated certain decisions and functions to its Licensing Committee, Sub-Committees and officers.
- 1.19. The grant of non-contentious applications, including for an example, those licenses and certificates where no representations have been made, has been delegated to Licensing Authority officers.
- 1.20. The table in **Appendix 1** sets out agreed delegation of decisions and functions to the Licensing Committee, Sub Committee and officers. This form of delegation is without prejudice to officers referring an application to a Sub-Committee, or a Sub-Committee to the Licensing Committee, if considered appropriate in the circumstances of any particular case.
- 1.21. The Licensing Authority will maintain a Licensing Register containing the information required by statute and keep it available for inspection.

17. Licence suspensions

- 1.22. This is a power introduced in to the Act as part of the amendments brought about by the Police Reform and Social Responsibility Act 2011. This power of suspension has been given to local authorities in relation to non-payment of annual fees for a premises licence/club premises certificate.
- 1.23. A single request for payment will be sent and the Licensing Authority will then take measures to suspend the licence if payment is not received within 21 days.
- 1.24. The regulations state that the premises licence holder will be given notice of a suspension at least 2 working days before the suspension is to take place. The Licensing Authority must then suspend the premises licences/club premises certificate should the outstanding annual fees remain unpaid.
- 1.25. The licence will be reinstated once full payment of all outstanding annual fees have been received.

Appendix 1 –Table of Delegated Functions

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

Matter to be dealt with	Licensing & General Purposes Committee	Licensing Sub - Committee	Officers
Decision on whether a minor variation application is valid, the need to go out to consultation and determination			All cases
Power to suspend a premises licence (S.55A (1) LA2003) or club premises certificate (S.92A (1) LA 2003) for non payment of annual fees			All Cases
Determination of application to vary a premises licence at community premises to include alternative licence condition		If a Police objection is received	All other cases
Power to specify the date on which suspension takes effect. This must be at least 2 working days after the day the Authority gives notice			All Cases
Fulfil the function of the responsible authority for the Licensing Authority under the Licensing Act 2003			All Cases

Appendix 2 – List of responsible authorities

The contact details for responsible authorities that must be notified when applications are made for certain licences under the Licensing Act 2003 are listed below:

Application to Vary a Premises Licence / Club premises Certificate

- Licensing Authority
- Police
- Health and Safety Team
- Nuisance Team
- Planning
- Safeguarding Children Board
- Fire Authority
- Trading standards
- Primary Care Trust
- Secretary of State - Home Office Immigration Enforcement

New Premises Licence / Club Premises Certificate

- Licensing Authority
- Police
- Health and Safety Team
- Nuisance Team
- Planning
- Safeguarding Children Board
- Fire Authority
- Trading standards
- Primary Care Trust
- Secretary of State - Home Office Immigration Enforcement

Provisional Statement

- Licensing Authority
- Police
- Health and Safety Team
- Nuisance Team
- Planning
- Safeguarding Children Board
- Fire Authority
- Trading standards
- Primary Care Trust
- Secretary of State - Home Office Immigration Enforcement

New Personal Licence

- Licensing Authority only

Interim Authority Notice

- Licensing Authority
- Police
- Designated premises supervisor
- Secretary of State - Home Office Immigration Enforcement

Application for a review of a Premises licence (s51) / Club Premises Certificate (s87)

- Licensing Authority
- Police
- Health and Safety Team
- Nuisance Team
- Planning
- Safeguarding Children Board
- Fire Authority
- Trading standards
- Primary Care Trust
- Secretary of State - Home Office Immigration Enforcement
- Premises licence holder/club in whose name the application was made

Transfer of Premises Licence

- Licensing Authority
- Police
- Secretary of State - Home Office Immigration Enforcement

Interim Authority Notice

- Licensing Authority
- Police
- Designated premises supervisor
- Secretary of State - Home Office Immigration Enforcement

More information including up to date contact details can be found here:

<https://www.barnet.gov.uk/licences-permits-and-registrations/alcohol-entertainment-late-night-refreshment-licences/premises>

Appendix 3 – Information on Alcohol Harm

Alcohol plays an important and positive role in social and family life and contributes to both employment and economic development in Barnet. These positive benefits of alcohol should be balanced with the negative impact that excessive alcohol use can have, including detrimental effects on health and wellbeing.

Local Alcohol Profiles for England: short statistical commentary, March 2023

Main findings

In 2021, there were 20,970 deaths that were related to alcohol in England, equating to a rate of 38.5 per 100,000 population. Of these 7,872 deaths were from chronic liver disease equating to a rate of 14.5 per 100,000 population and 7,556 deaths were wholly caused by alcohol equating to a rate of 13.9 per 100,000 population.

From 2021 to 2022, there were 342,795 hospital admissions that were wholly due to alcohol. This equates to a rate of 626 per 100,000 population. The number of hospital admissions wholly due to alcohol in men during this time period was double the figure for women (232,783 and 110,012 respectively).

During this time period, there were 948,312 hospital admissions that were alcohol-related under the broad definition. This equates to a rate of 1,734 per 100,000 population. The number of these type of admissions in men was 2.7 times the figure for women (690,658 and 257,654 respectively). There were 270,774 hospital admissions related to alcohol under the narrow definition. This equates to a rate of 494 (per 100,000 population). The number of alcohol-related (narrow) admissions in men during this time period (174,544) was 1.8 times the figure for women (96,230).

Background

The Local Alcohol Profiles for England bring together indicators related to alcohol-specific and alcohol-related mortality and hospital admissions.

Following Census 2021, the Office for National Statistics (ONS) is carrying out reconciliation and rebasing of the mid-year population estimates (MYE) it produces. This process happens every 10 years following the census. The official population estimates for mid-2012 to mid-2020 will be revised, to incorporate the data now available from Census 2021. As such, updated indicators using ONS mid-year population estimates are only presenting data for 2021. Once revised populations for mid-2012 to mid-2020 are published, the updated back series for the indicators affected will be published.

Key definitions used in this release

Alcohol-specific mortality - Deaths from conditions wholly caused by alcohol. This definition is also used by the [ONS in their annual UK data release](#).

Alcohol-related mortality - Deaths from conditions which are wholly or partially caused by alcohol. For partially attributable conditions, a fraction of the deaths are included based on the latest academic evidence about the contribution alcohol makes to the condition.

Mortality from chronic liver disease - Deaths from chronic liver disease, including cirrhosis, classified by an underlying cause of death with ICD-10 code K70, K73 or K74 (all deaths included here are included in alcohol-related mortality rates).

Alcohol-specific admissions - Admissions to hospital where the primary diagnosis or any of the secondary diagnoses are an alcohol-specific (wholly attributable) condition.

Alcohol-related admissions (broad) - A measure of hospital admissions where either the primary diagnosis (main reason for admission) or one of the secondary (contributory) diagnoses is an alcohol-related condition (partially or wholly caused by alcohol). This represents a broad measure of alcohol-related admissions but is sensitive to changes in coding practice over time.

Alcohol-related admissions (narrow) - A measure of hospital admissions where the primary diagnosis (main reason for admission) is an alcohol-related condition. This represents a narrower measure. Since every hospital admission must have a primary diagnosis it is less sensitive to coding practices but may also understate the part alcohol plays in the admission.

In general:

the broad measure gives an indication of the full impact of alcohol on hospital admissions and the burden placed on the NHS

the narrow measure estimates the number of hospital admissions which are primarily due to alcohol consumption and provides the best indication of trends in alcohol-related hospital admissions

Age standardisation- All mortality and admissions rates in this update are standardised to adjust for differences in the age and sex structure of the population between areas and population groups.

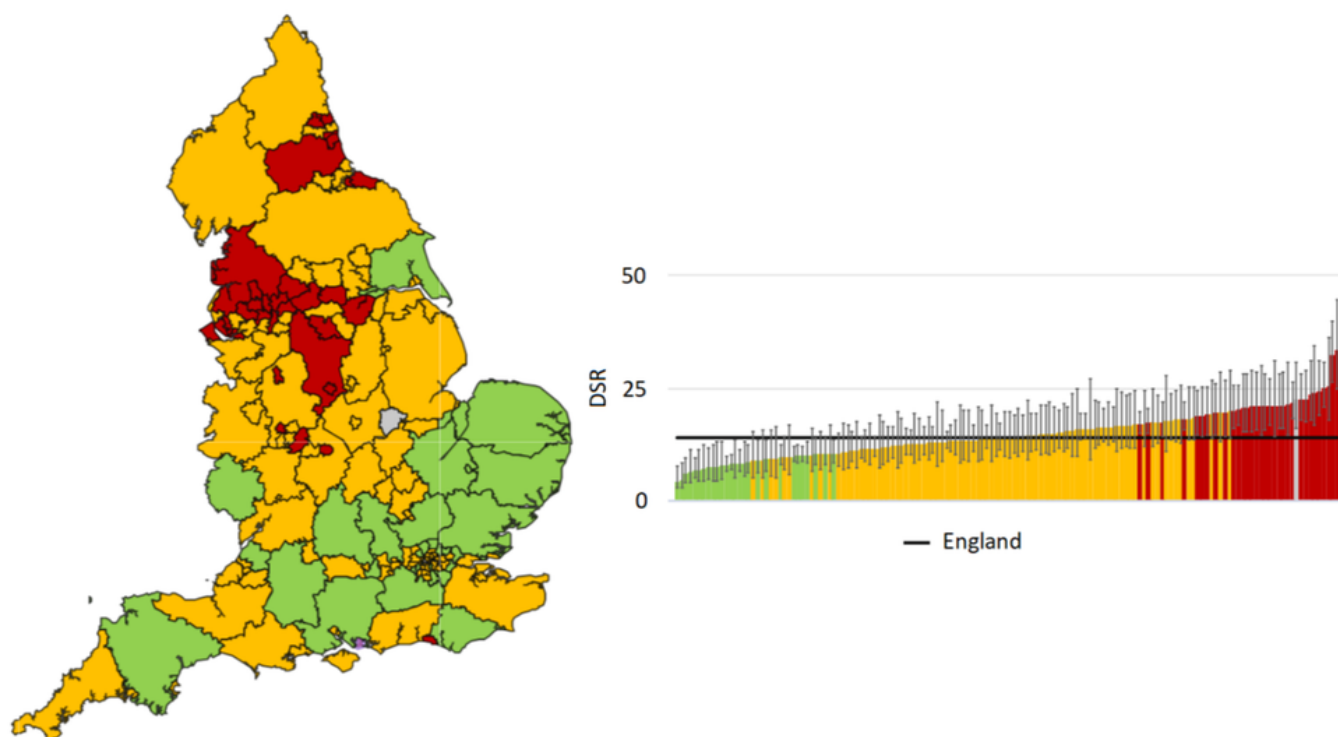
Summary of updated indicators

Alcohol-specific mortality

In 2021, there were 7,556 alcohol-specific deaths in England, equating to a rate of 13.9 per 100,000 population.

The mortality rate was highest in the North East region (20.4 per 100,000 population) and lowest in the East of England region (10.3 per 100,000 population). The mortality rate at upper tier local authority level varied from 33.7 in Blackpool to 4.6 (per 100,000 population) in Barnet.

Figure 1: Alcohol-specific mortality rate (all ages): single year, upper tier local authorities, 2021



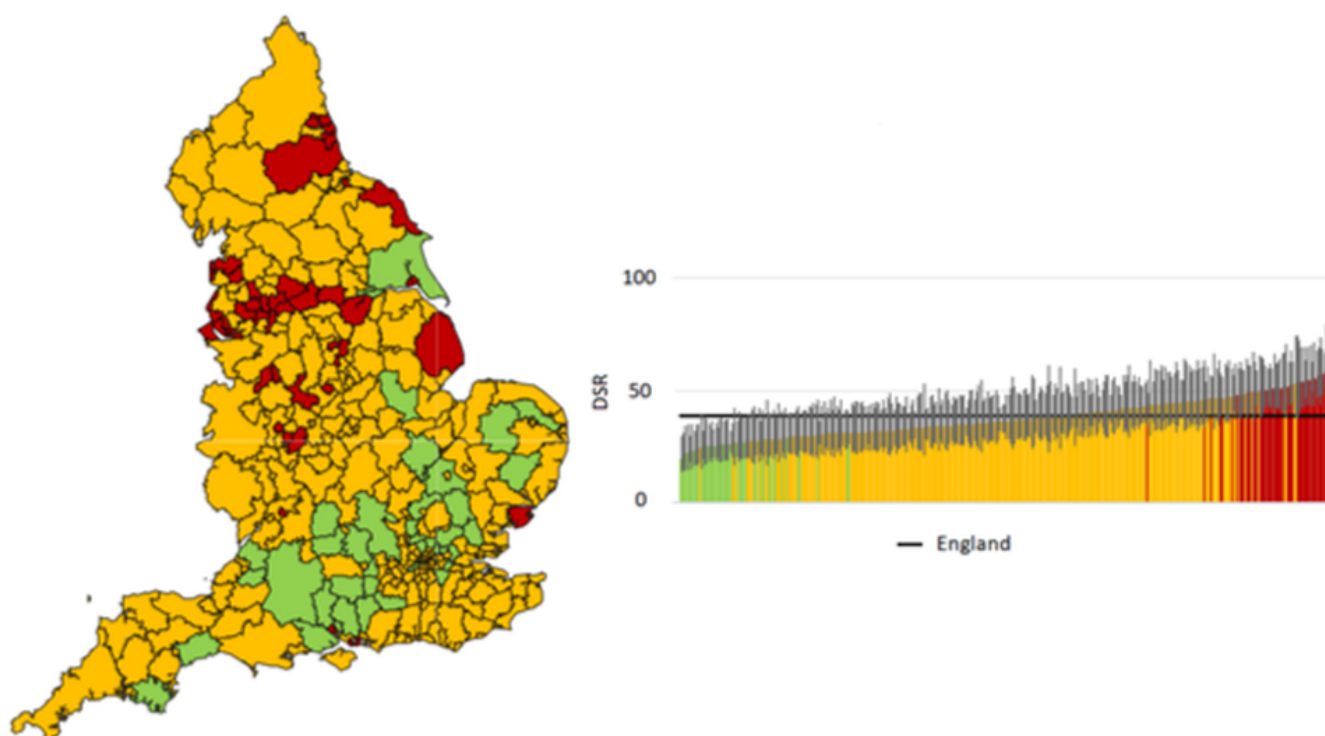
Source: calculated by OHID Population Health Analysis (PHA) team from Office for National Statistics (ONS) death registration data and ONS mid-year population estimates. In addition, the rate of alcohol-specific deaths in the most deprived tenth of upper tier local authority areas was double the rate in the least deprived tenth (19.8 and 9.5 per 100,000 population respectively).

Alcohol-related mortality

In 2021, there were 20,970 alcohol-related deaths in England, equating to a rate of 38.5 per 100,000 population.

The mortality rate was highest in the North East region (50.4 per 100,000 population) and lowest in the East of England region (32.3 per 100,000 population). The mortality rate at lower tier local authority level varied from 77.5 in Blackpool to 20.2 (per 100,000 population) in East Hampshire.

Figure 2: Alcohol-related mortality (all ages), lower tier local authorities, 2021



Source: calculated by OHID Population Health Analysis (PHA) team from Office for National Statistics (ONS) death registration data and ONS mid-year population estimates.

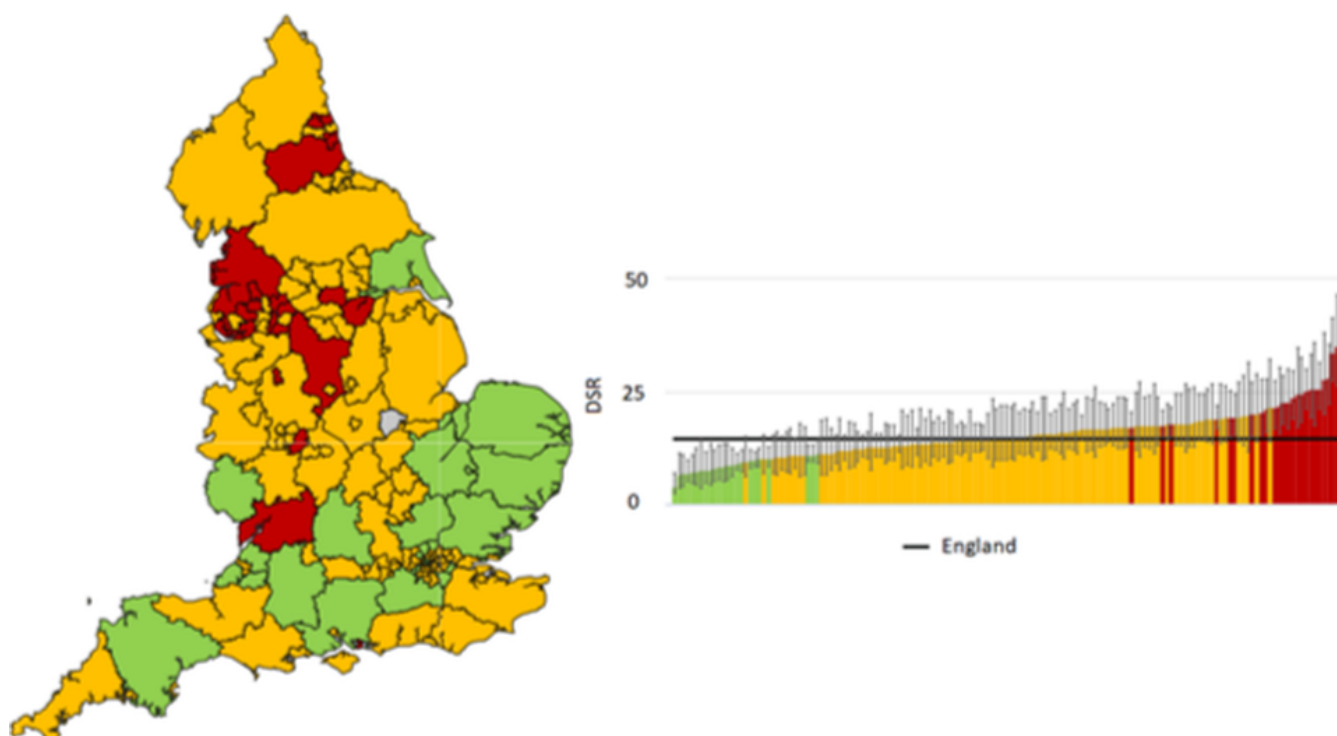
In addition, the rate of alcohol-related deaths in the most deprived tenth of lower tier local authorities (48.6 per 100,000 population) was 1.7 times the rate in the least deprived tenth (29.0).

Mortality from chronic liver disease

In 2021, there were 7,872 deaths from chronic liver disease in England, equating to a rate of 14.5 per 100,000 population. All chronic liver disease deaths are included in the definition for alcohol-related mortality, but only a subset (ICD-10 K70 alcoholic liver disease) is included in the definition for alcohol-specific mortality.

The mortality rate was highest in the North East region (21.6 per 100,000 population) and lowest in the East of England region (11.1 per 100,000 population). The mortality rate at upper tier local authority level varied from 35.4 in Blackpool to 4.1 (per 100,000 population) in Barnet.

Figure 3: Mortality due to chronic liver disease (all ages), upper tier local authorities, 2021



Source: calculated by OHID Population Health Analysis (PHA) team from Office for National Statistics (ONS) death registration data and ONS mid-year population estimates.

In addition, the mortality rate from chronic liver disease in the most deprived tenth of upper tier local authorities (20.3 per 100,000 population) was 1.8 times the rate in the least deprived tenth (11.0).

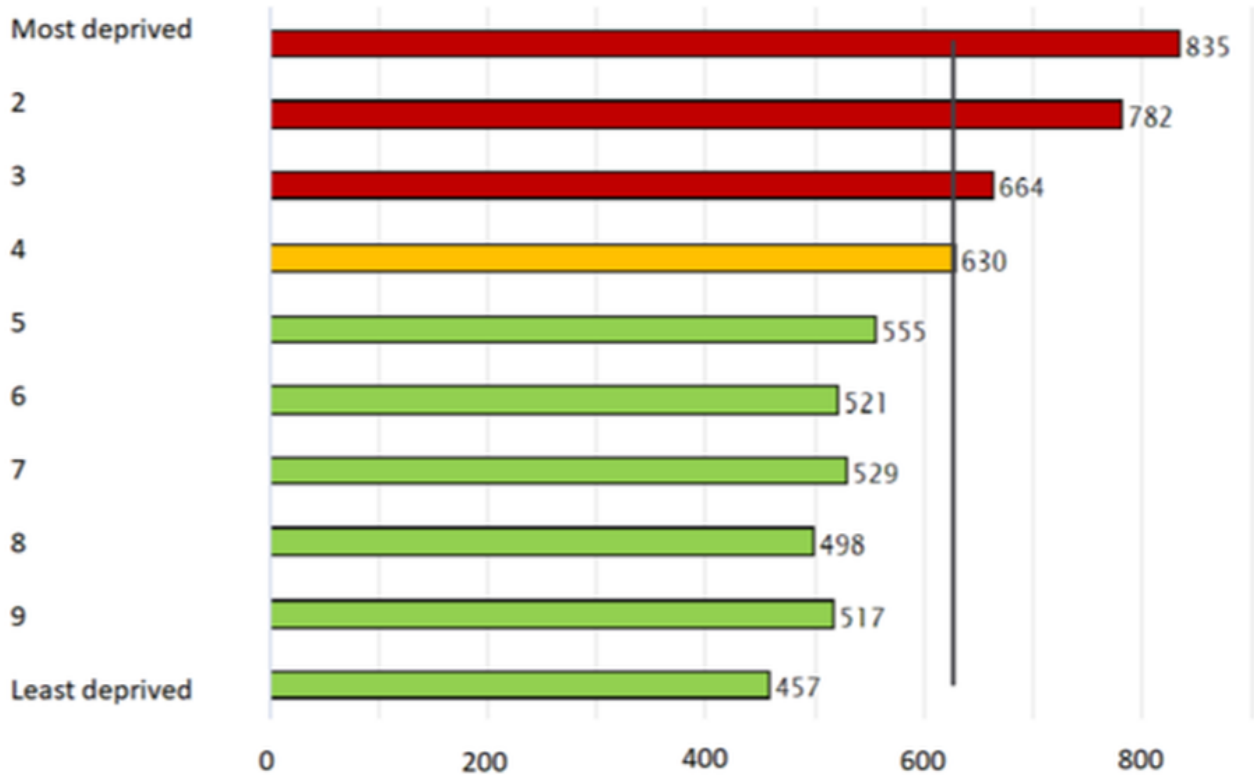
Alcohol-specific admissions

From 2021 to 2022, there were 342,795 alcohol-specific hospital admissions in England. This equates to a rate of 626 per 100,000 population. The number of alcohol-specific admissions for men during this period was 232,783, equating to a rate of 879 per 100,000 population. This was double that of females where there were 110,012 admissions, equating to a rate of 390 per 100,000 population while the male rate was 879.

The admission rate was highest in the North East region (991 per 100,000 population) and lowest in the East of England region (433 per 100,000 population).

The rate of alcohol-specific admissions in the most deprived tenth of lower tier local authorities (835 per 100,000 population) was significantly higher than the rate in the least deprived tenth (457 per 100,000 population).

Figure 4: Alcohol-specific admission rate, lower tier local authority deprivation deciles in England, 2021 to 2022



Source: calculated by OHID Population Health Analysis (PHA) team using data from NHS England Hospital Episode Statistics (HES) and Office for National Statistics (ONS) mid-year population estimates.

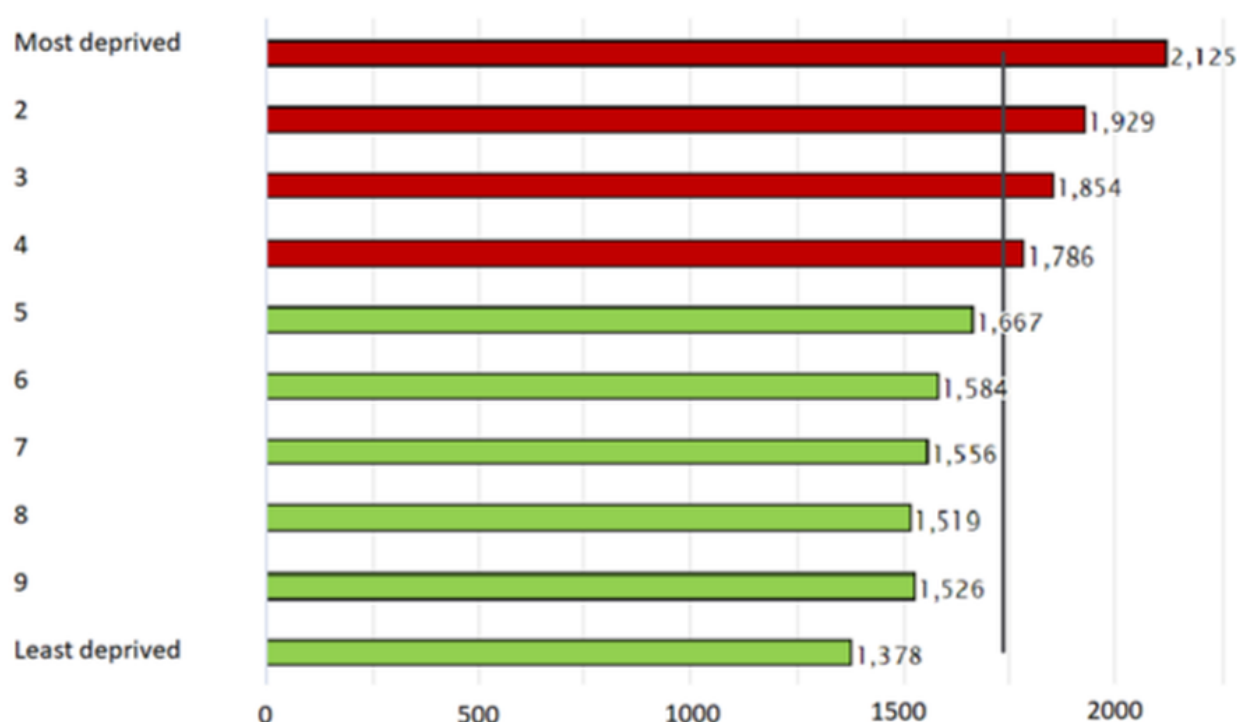
Alcohol-related admissions (broad)

There were 948,312 alcohol-related admissions under the broad definition in 2021 to 2022. This equates to a rate of 1,734 (per 100,000 population). The female rate was 906 (per 100,000 population) while the male rate was 2,683 (per 100,000 population). Consequently, the number of alcohol-related (broad) admissions in 2021 to 2022 for males (690,658) was 2.7 times the figure for females (257,654).

The admission rate was highest in the North East region (2,323 per 100,000 population) and lowest in the East of England region (1,507 per 100,000 population).

The rate of alcohol-related (broad) admissions in the most deprived tenth of lower tier local authorities (2,125 per 100,000 population) was significantly higher than the rate in the least deprived tenth (1,378 per 100,000 population).

Figure 5: Alcohol-related (broad) admissions, lower tier local authority deprivation deciles in England, 2021 to 2022



Source: calculated by OHID Population Health Analysis (PHA) team using data from NHS England Hospital Episode Statistics (HES) and Office for National Statistics (ONS) mid- year population estimates.

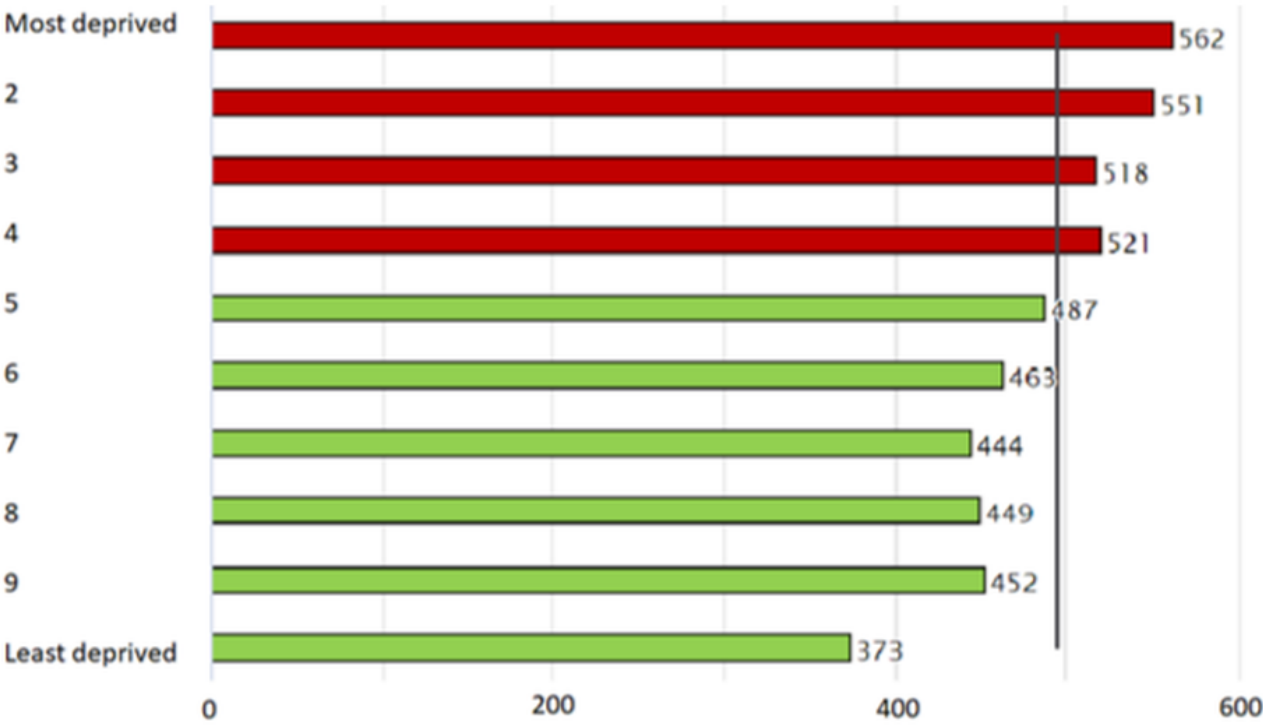
Alcohol-related admissions (narrow)

There were 270,774 alcohol-related admissions under the narrow definition in 2021 to 2022. This equates to a rate of 494 (per 100,000 population). The female rate was 341 (per 100,000 population) while the male rate was 664 (per 100,000 population). Consequently, the number of alcohol-related (narrow) admissions in 2021 to 2022 for males (174,544) was 1.8 times the figure for females (96,230).

The admission rate was highest in the North East region (721 per 100,000 population) and lowest in the South East region (411 per 100,000 population).

The rate of alcohol-related (narrow) admissions in the most deprived tenth of lower tier local authorities (562 per 100,000 population) was significantly higher than the rate in the least deprived tenth (373 per 100,000 population).

Figure 6: Alcohol-related (narrow) admissions, lower tier local authority deprivation deciles in England, 2021 to 2022



Source: calculated by OHID Population Health Analysis (PHA) team using data from NHS England Hospital Episode Statistics (HES) and Office for National Statistics (ONS) mid-year population estimates.

For more information in relation to Local Alcohol Profiles for England (LAPE) please use the following [link](#).

Appendix 4 – Cumulative Impact Zones

The following areas are designated as CIZ's in Barnet.

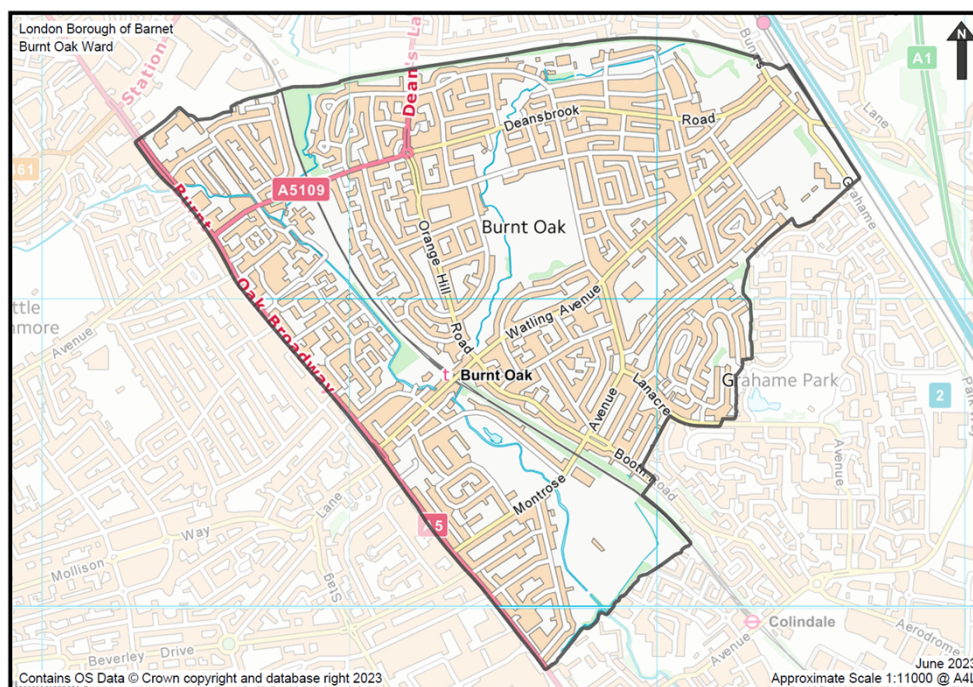
1 BURNT OAK

Cumulative Impact Zone Report Contents	
A	Statement of Adoption 36
B	Area 36
C	Date of Adoption
D	Evidence for Assessment 37-39
	1) A Report for Safer Communities Partnership Board: Substance misuse prevalence, trends, preventative interventions and local opportunities 2) Alcohol misuse impact in Burnt Oak Report 3) Public Health Assessment Refresh 2019

A Statement of Adoption

The licensing authority considers that the number of relevant authorisations in respect of premises in the area outlined below is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) to grant any further relevant authorisations in respect of premises in that part or those parts.

B Area - BURNT OAK



C. Date of adoption:

Date of Adoption:	TBC
Date of review by:	TBC (Three years from adoption)

D. Evidence for assessment.

1 [Report for Safer Communities Partnership Board:](#)

Substance misuse prevalence, trends, preventative interventions and local opportunities

Louisa Songer – Senior Public Health Strategist
Hope Grant – Contract Data Analyst

LB Barnet, Public Health - December 2023

1. Executive Summary

This report offers the evidence base for prevention options, and suggestions for how these should be implemented in Barnet. It demonstrates the evidence by outlining local prevalence data and comparing with numbers in treatment, as well as outlining local trend data and demonstrating the effectiveness of the service.

The importance of addressing substance misuse should be considered both in terms of the human and economic impacts. Substance misuse-related harms can be tangible and can be given an economic cost, such as injuries, or can be intangible and almost impossible to cost such as emotional distress caused by living with a heavy drinker. The harms can be relatively mild, such as drinkers loitering near residential streets, or can be severe including death or a lifelong disability.

A Cabinet Office estimate placed the economic costs of alcohol in England at around £21 billion in 2012, equivalent to 1.3% GDP. Similarly, drug misuse also impacts all those around the user and the wider society. The Home Office estimated in 2010 to 2011 that the cost of illicit drug use in the UK was £10.7 billion per year.

The recommendations in this paper are supported by the Barnet “Combating Drugs Partnership Board” who have undertaken a full needs assessment relating to drugs and alcohol and formulated a supporting delivery plan. These are iterative documents which require departments across LB Barnet and external partners to take responsibility to drive the work forward.

Local prevalence data and unmet treatment need - Drugs

The Office for Health Inequalities and Disparities (OHID) produced updated prevalence estimates in Autumn 2023. These provide local areas with their new estimates of the prevalence of illicit opiate and / or crack cocaine use, as well as the estimated number of

people with alcohol dependency.

The prevalence rate of opiate and/or crack use in Barnet has increased between 2016-17 and 2019-20. The prevalence rate was lower than London and England in 2016-17, but was similar and possibly higher in 2018-19 and 2019-20 (higher estimate but overlapping confidence intervals).

Prevalence estimates show similar rates to London across the range of drug categories (opiates only, crack only, both opiates and crack). Compared to England, the rate of using opiates only is similar, but there is a small difference relating to crack use. Barnet has a slightly higher rate of people using crack only than England. This suggests that there is more crack cocaine use in Barnet, a picture reflected in London also.

Furthermore, when the prevalence is broken down by age, the rate of opiate use in Barnet is highest in people aged 35-64. This is also the case for London and England, and is reflective of an aging heroin using population and fewer younger people commencing heroin use. Barnet has a substantial unmet treatment need across all substance categories, and a significantly larger unmet percentage than London for opiate and/or crack, crack only, and opiates and crack. It is estimated that in Barnet 78% of heroin users (1,302 people), 94% of crack users (577 people), and 77% of crack and heroin users (1,331 people) are not accessing treatment.

Local prevalence data and unmet treatment need - Alcohol

Alcohol-related harm is largely determined by the volume of alcohol consumed and the frequency of drinking occasions. As such, the risk of harm is directly related to levels and patterns of consumption. In England, 23% of the population are drinking at above low risk levels so may benefit from some level of intervention, however in Barnet, this is 10%. Barnet's rate of problematic drinking has remained stable between 2016-17 and 2019-20 and is similar to the England rate and may be slightly below. The rate for London is similar to that for England.

Barnet's rate of unmet treatment need is also similar to London, with an estimated 76% of users (3,091 people) requiring treatment. This is clearly the largest treatment need in Barnet.

Prevention Opportunities

Some of the key ways we can impact alcohol related harm (including crime and disorder) focus on affecting national policy and regulation, for example considering options around taxation and price regulation and regulating marketing. Having said that, there is much that can be done at a local level, particularly when considering options for regulating the availability of alcohol. There are also interventions that can be conducted in the immediate drinking environment that have a great impact.

It is also essential, particularly when looking at preventing substance misuse more widely, to consider specific interventions that should be delivered with those particular risk groups and in particular settings. For example, offering information, advice and awareness raising in settings such as primary care, mental health services, sexual health services, health visiting, midwifery, criminal justice services, A&E, hostels, nightclubs, festivals and gyms (to target people using image and performance enhancing drugs).

Screening, identification and brief advice should be delivered at opportunistic and routine

appointments with statutory and other services such as those listed above, and skills training for vulnerable children and young people should be upscaled to help vulnerable young people develop appropriate skills such as conflict resolution and managing stress.

Putting the evidence into practice

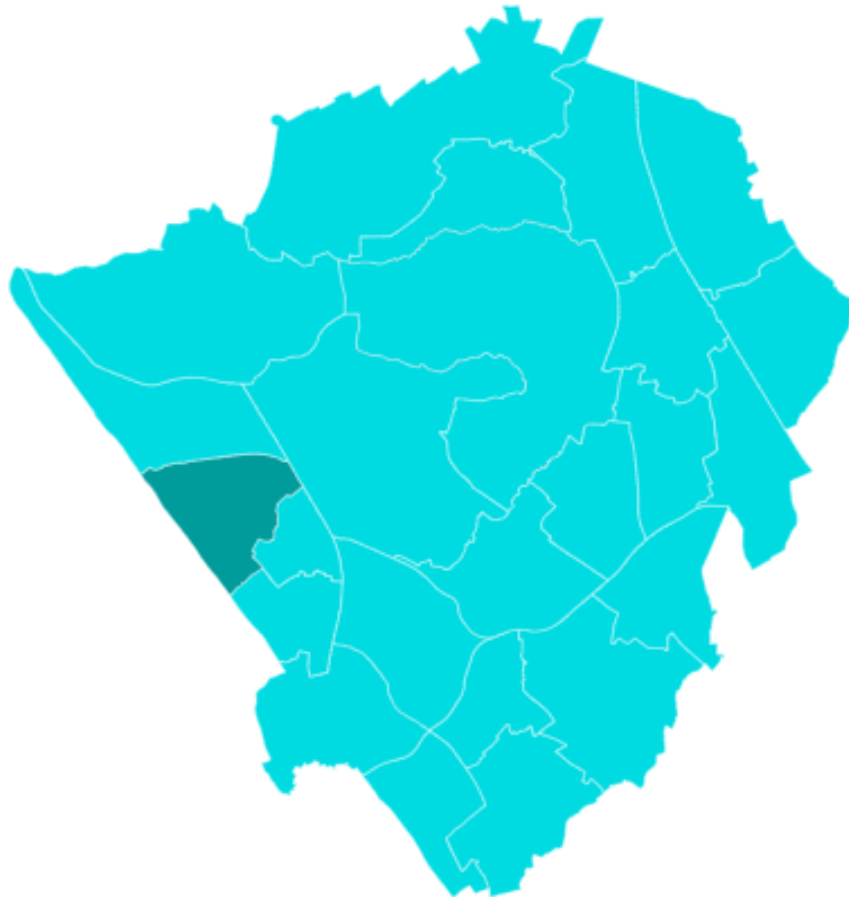
Partners must work collaboratively on local opportunities for improving outcomes. There are local structures and processes currently in place support a reduction in drug and alcohol-related harm however there is much work to be done to ensure these structures and processes are effective:

- **Leadership, vision & governance:** The Health and Wellbeing Board and Community Safety Partnership Board should articulate a clear and shared ambition for reducing drug and alcohol harm, demonstrated by strong oversight of the local Combating Drugs Partnership Board and delivery plan. They should also ensure strategic join up, and ensure common purpose reflected in strategy and commissioning.
- **Planning and commissioning services:** The partnership must be up to date with the needs of the local substance misusing population and in a position to address the needs of all at risk groups, including offenders, homeless people and those with complex needs. More must be understood about the new and emerging groups such as club-drug users and older adults. There must also be an updated plan for preventing and reducing alcohol related harm.
- **Data and Intelligence:** Routine, co-ordinated data sharing across local alcohol partners should be used to inform strategic planning and operational service delivery and relevant indicators of alcohol related harm should also be reflected in KPI dashboards across partnership boards.
- **Communications & Social Marketing:** A partnership approach to campaigns could be beneficial. These should be targeted at specific audiences based on population segmentation with clear pathways into suitable advice, information and support.
- **Alcohol Licensing:** Influencing local licencing policy is one of the most effective ways to prevent alcohol related harm. It is recommended that there should be improved recognition of alcohol-related harm in the local licensing policy with a commitment to use local crime, health and social care data to inform policy and planning.

2. Alcohol misuse impact in Burnt Oak Report

Ward Profile (based on 2021 Census data)

BARNET MAP WITH WARD BOUNDARIES



Ward Name Burnt Oak	Population (Burnt Oak) 21,857	Number of households in Burnt Oak 7,397
Total percentage of Full-time employees in Burnt Oak 29.6%	% of people with Level 3 qualifications and above in Burnt Oak 48.5%	Percentage of unemployed in Burnt Oak 32.9%
% Total of all Black, Asian and Minority ethnic groups in Burnt Oak 57.0%	% of Population who are in Bad/Very bad health in Burnt Oak 5.0%	% of population disabled under the Equality Act in Burnt Oak 13.3%

Burnt Oak Male Population

10,565

Gender distribution by population for Burnt Oak

Gender ● Female ● Male



London's Male Population

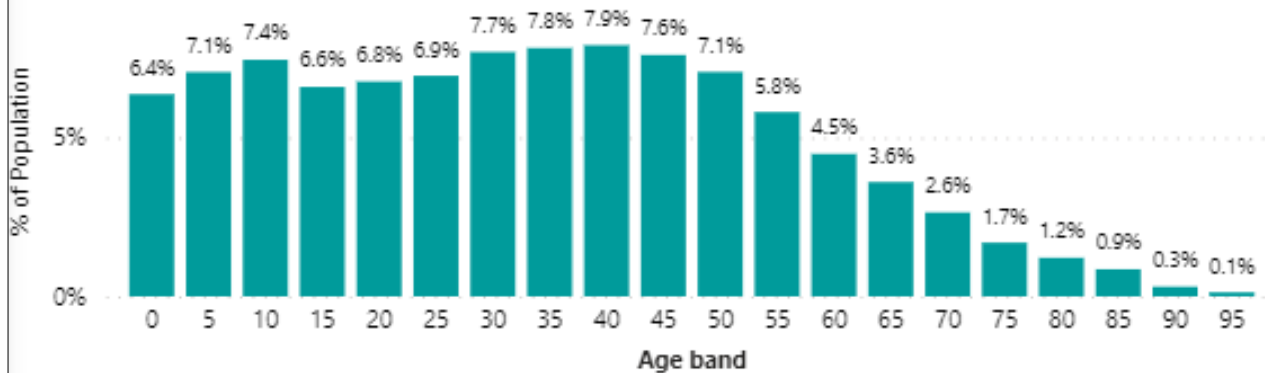
4,268,105

Gender distribution by population for London

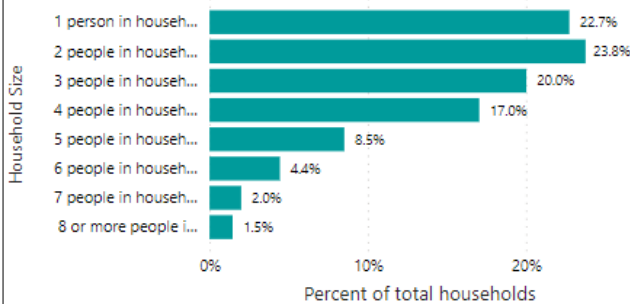
Gender ● Female ● Male



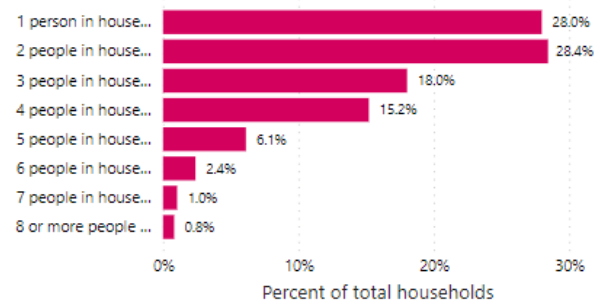
% of population by age band in Burnt Oak



Distribution of percentage of households as per size in Burnt Oak



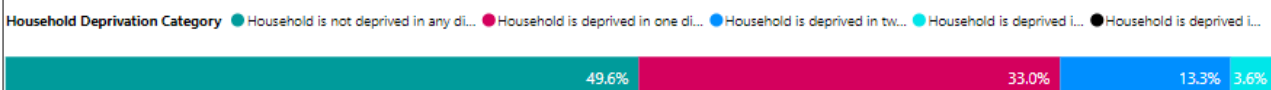
Distribution of percentage of households as per size in Barnet



Percentage of households per household deprivation category in Burnt Oak



Percentage of households per household deprivation category in Barnet



Further information relating to Barnet's Ward Profiles can be found using the following link [Barnet Ward Profile | Barnet Open Data](#)

Public Health Data

- The map shows that whilst Barnet's service users are distributed fairly evenly across the borough, there are notable pockets of concentration. Burnt Oak and Child's Hill have the highest number of treatment episodes, followed by Friern Barnet and Barnet Vale. It is relevant to note, particularly for Burnt Oak and Child's Hill that these wards meet Barnet's borders with Camden and Brent, presenting opportunities and challenges for cross border working, particularly given how drug markets operate.

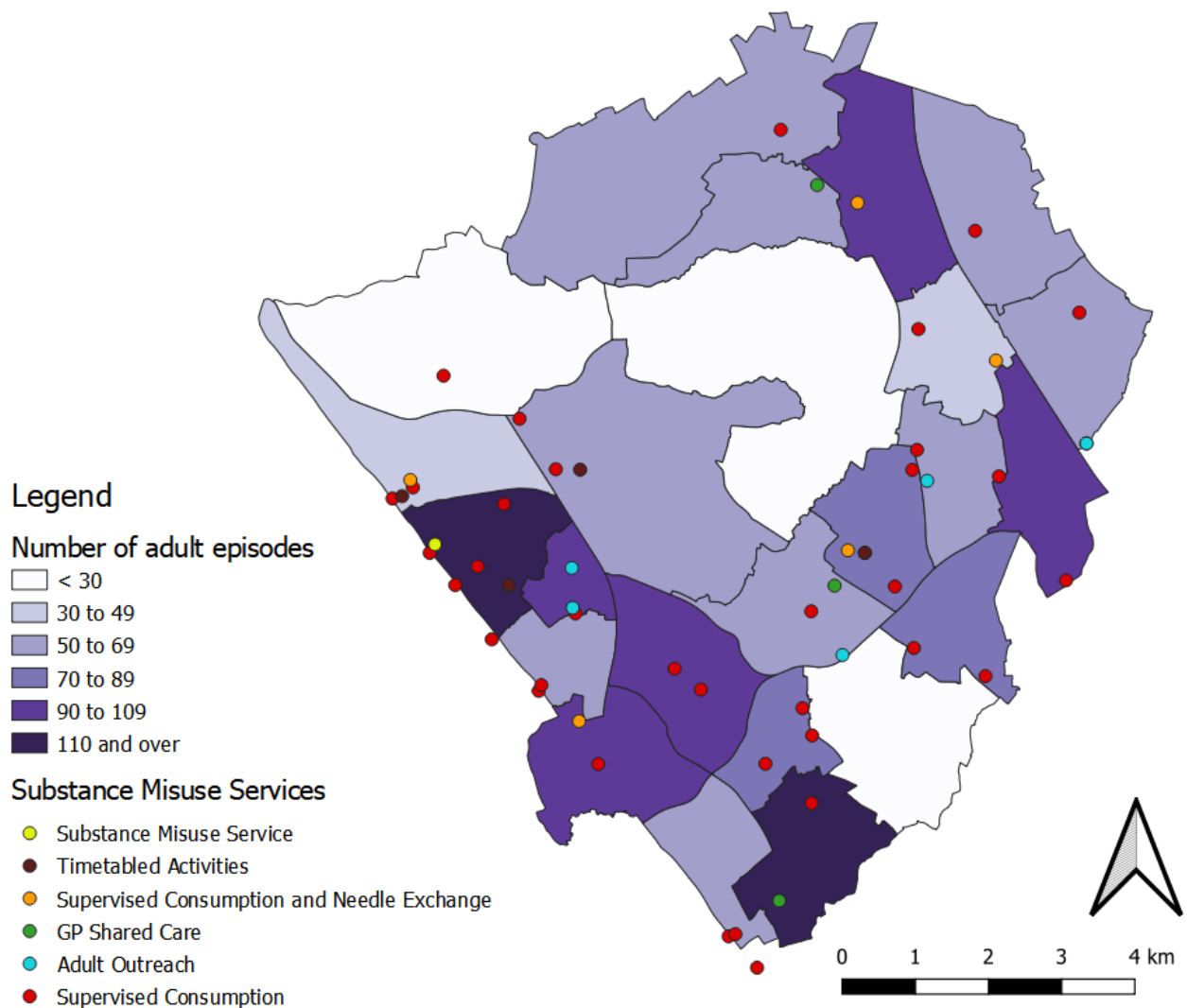


Figure 1: Heat map to show the number of adult substance misuse treatment episodes in 2020-22 by ward, together with substance misuse service locations.

- Although the Barnet rates of hospital admissions for alcohol are lower than the national and London rates, the graph below shows ward level data that indicates this is not the case across the borough.
- Wards with higher deprivation also have higher rates of hospital admissions. Burnt Oak and Underhill are of particular note. This corresponds to the number of people accessing treatment in these areas.

- Additionally, Barnet has an unusually high proportion of adults who abstain from drinking alcohol which impacts generally on admission and death rates.

Alcohol hospital admissions by ward, 2016-2021

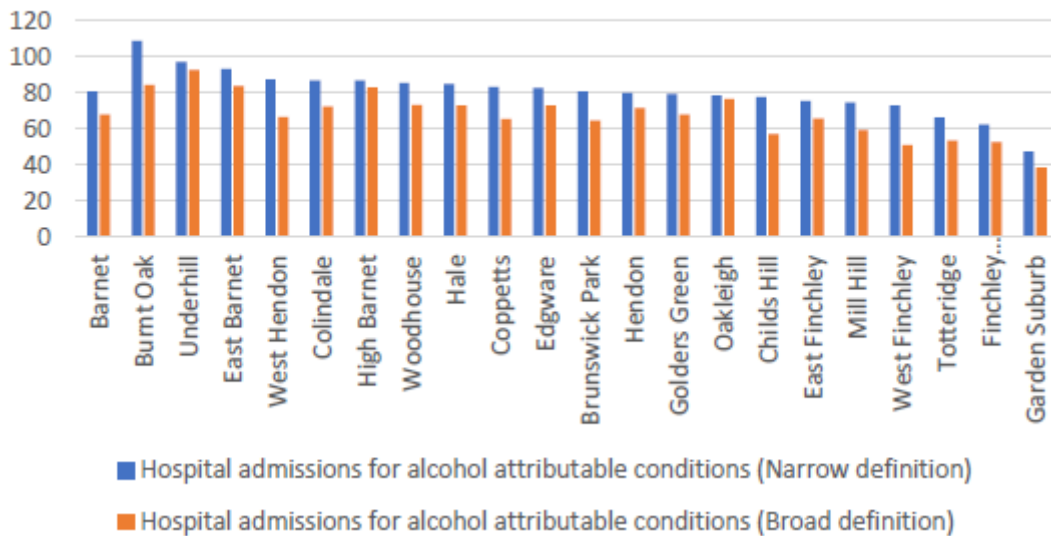


Figure 2: Admission episodes for alcohol related conditions by ward

Blue Light Services Data

Ambulance Data

- Alcohol-related ambulance call outs for Barnet adults (aged 18+), by ward, 2022/23 are shown in the Figure 3 below:

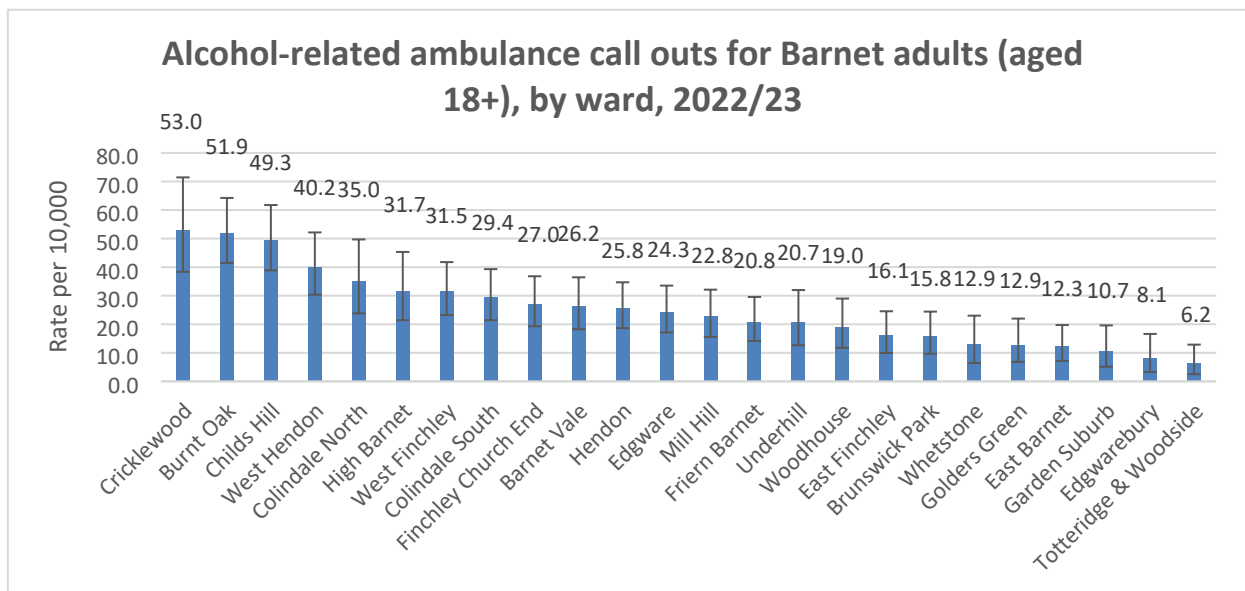


Figure 3: Alcohol-related ambulance call outs for Barnet adults (aged 18+), by ward, 2022/23

- As you can see from the table above Burnt Oak shows as the second highest ward in relation to the alcohol related ambulance call outs for Barnet adults (ages 18+) in 2022/23.

- Alcohol related ambulance callouts and violence against person crime peak from around 2200 hours to after midnight. A correlation to Burnt Oak night time economy.
- The London Ambulance Service attendances to alcohol related illness, alcohol related violent crime and alcohol related ASB hotspot is Watling Avenue and its surrounding streets.

Police Data

The figure below shows that Overall Crimes reported in Burnt Oak Oct 2022 – November 2023.

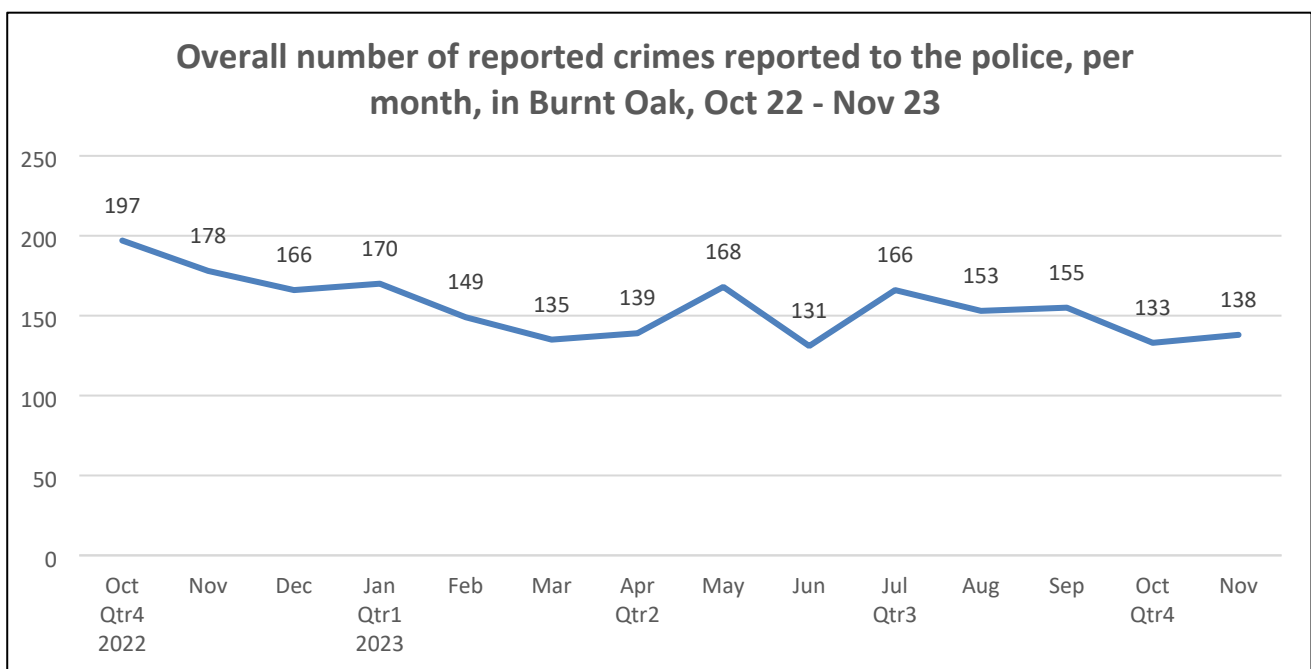


Figure 4. Overall Crimes reported in Burnt Oak Oct 2022 – November 2023 are shown in Figure 4

- Alcohol related anti-social behavior peak days are Friday, Saturday and Sunday.
- Figure 4 shows that the overall number of reported to the police in Burnt Oak has remained pretty static over the year.
- Figure 5 below identifies the ASB hot spots in Burnt Oak recorded between October 2022 and November 2023 and shows their proximity to licensed premises.

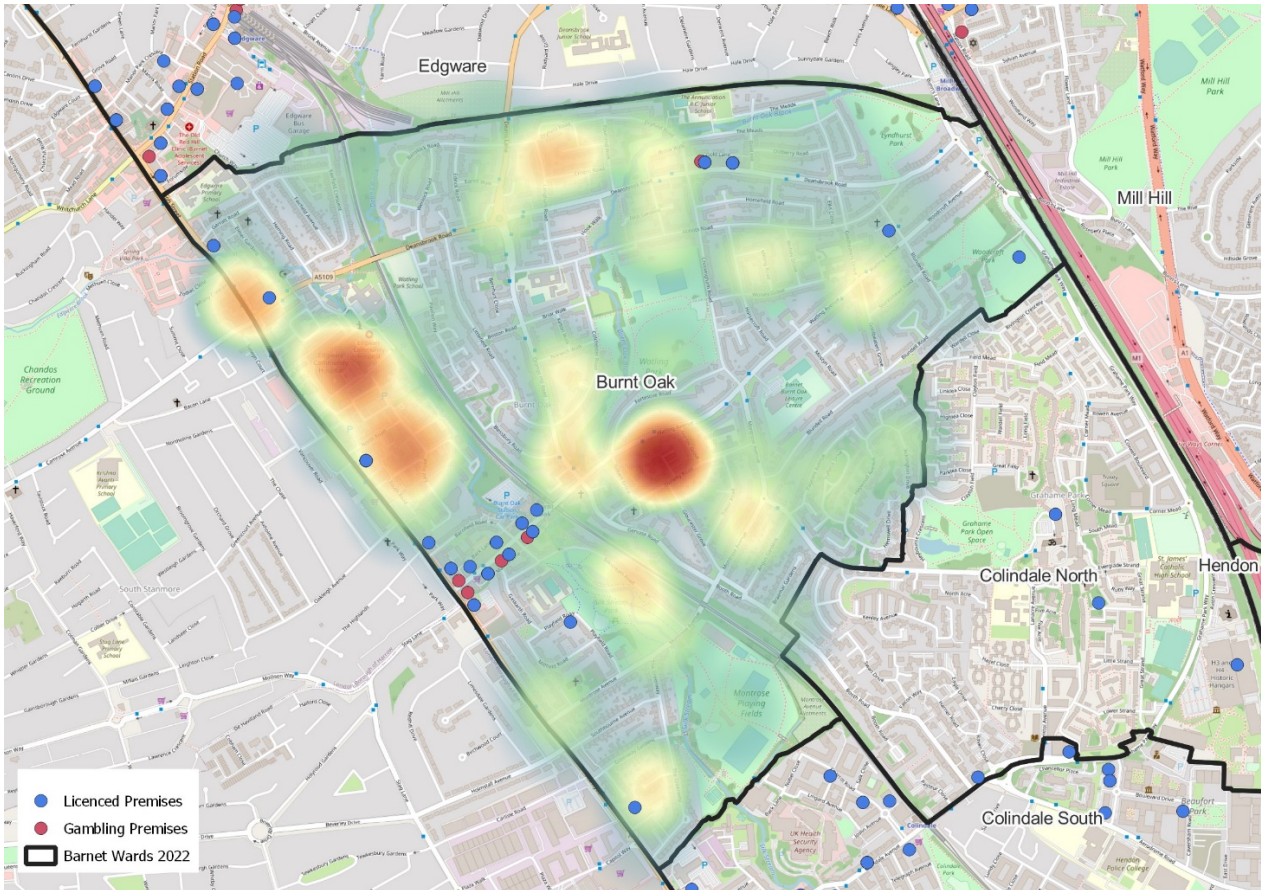
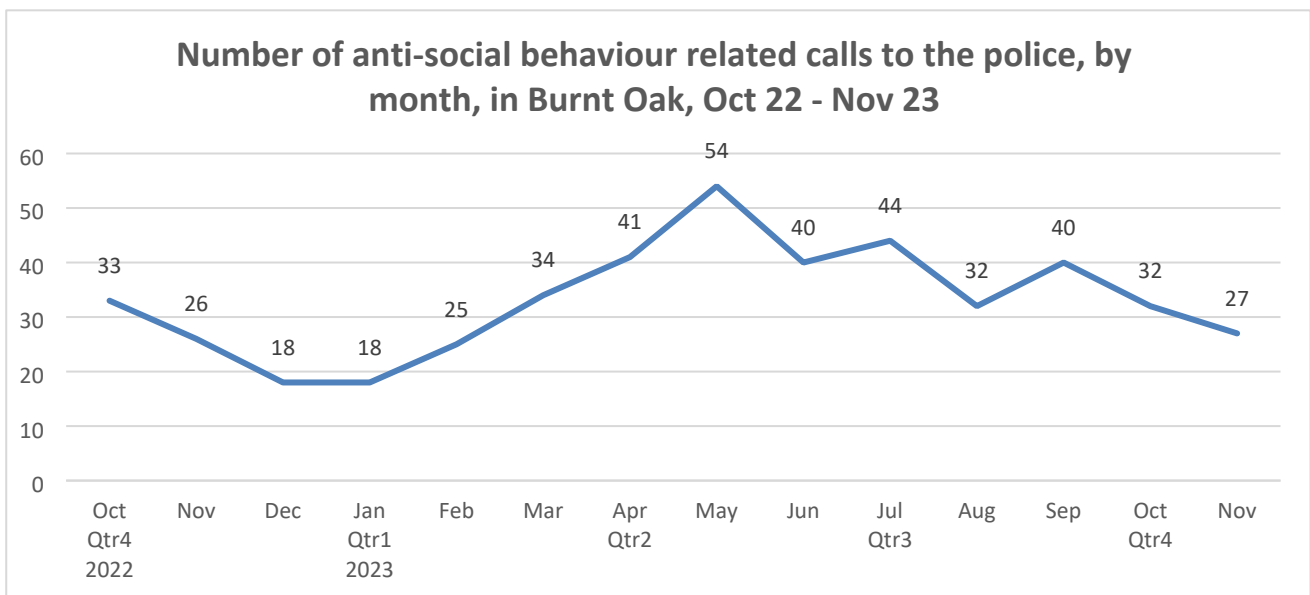


Figure 5 - Updated Burnt Oak hotspot map for ASB in period Oct 22 to Nov 23

- It would appear that the hotspots identified are situated within a short distance of the more densely populated licensed premises areas.



- For the purpose of this topic, Crime and ASB related incidents in Burnt Oak recorded in 2022/2023 have been grouped into quarters (Oct – Dec 2022 = Q4, Jan – Mar = Q1, Apr - Jun = Q2, Jul - Sep = Q3 and Oct - Nov = Q4).

- Anti-social behavior in Burnt Oak started at the beginning of 2023 at its lowest with 18 ASB related incidents being recorded. There was a steady increase in Q2 where we see it peak at 54 incidents in May.
- November 2022 (Q4) showed that the number of recorded ASB incidents at 26. This shows that there has been a 1% increase in incidents reported in the same month 2023.).
- Burnt Oak is in the worst 10 of crime rate per 1000 population in the borough with there being 84.8 crimes being reported for every 1000 residents.
- Violence Against the Person is the top of the list of crimes reported in Burnt Oak in the last 12 months followed in second place by Anti-Social Behavior related incidents
- During the last 12 months, Burnt Oak accounted for 5% of the total number of ASB related calls to the police

3) Public Health - Barnet Adults Substance Misuse Service Review and Needs Assessment Refresh 2019

The information below taken from the Adult Substance Misuse Service Review and Needs Assessment Refresh 2019 on alcohol in Barnet and especially ambulance call outs data, could add weight to the arguments in favour of a CIZ in Burnt Oak.

For the full document relating to alcohol use in Barnet overall, please see <https://www.barnet.gov.uk/health-and-wellbeing/health-and-wellbeing-key-documents/barnet-substance-misuse-needs-assessments>

Figure 1 below is taken from Public Health England's (PHEs), Local Alcohol Profile for England. This provides information on a range of indicators relating to alcohol and there is a comparison between Barnet and the England average. Figure 1 shows that Barnet is significantly better across all indicators than the average for England but this does not mean that Barnet has no issues with alcohol. For example, 1,068 years of life were lost due to alcohol in 2017 in Barnet and there were 1,576 admissions for alcohol related conditions (narrow measure see below) and 6,182 admission episodes for alcohol related conditions (broad measure see below).

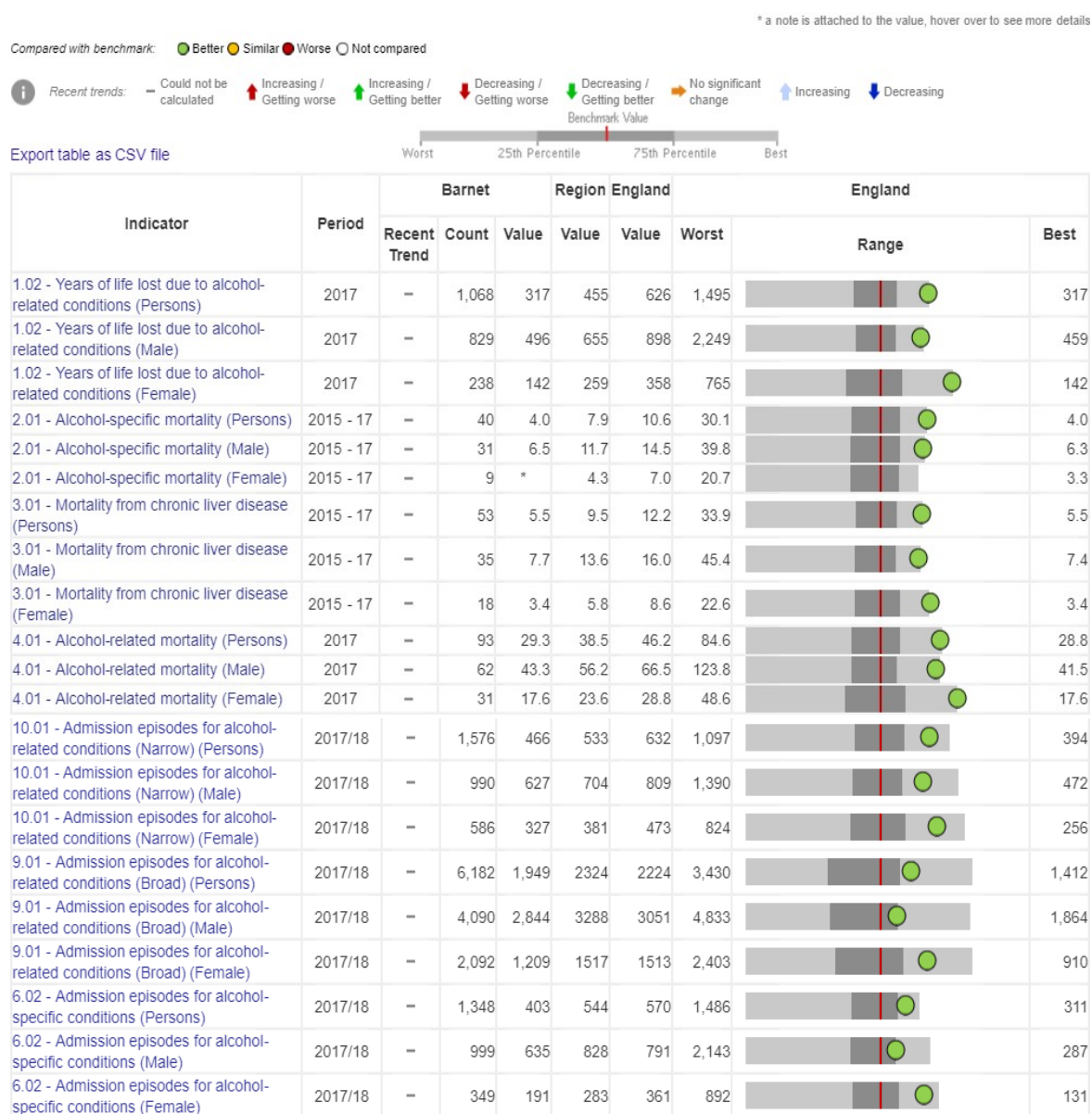
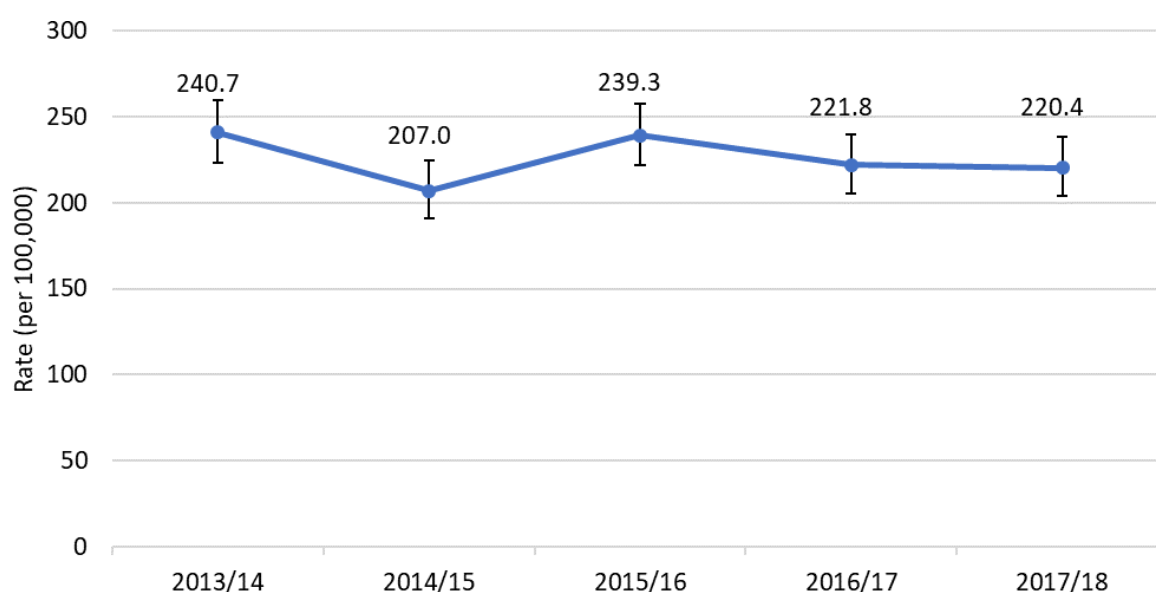


Figure 1: Barnet local alcohol profile indicators

Alcohol-related ambulance callout data

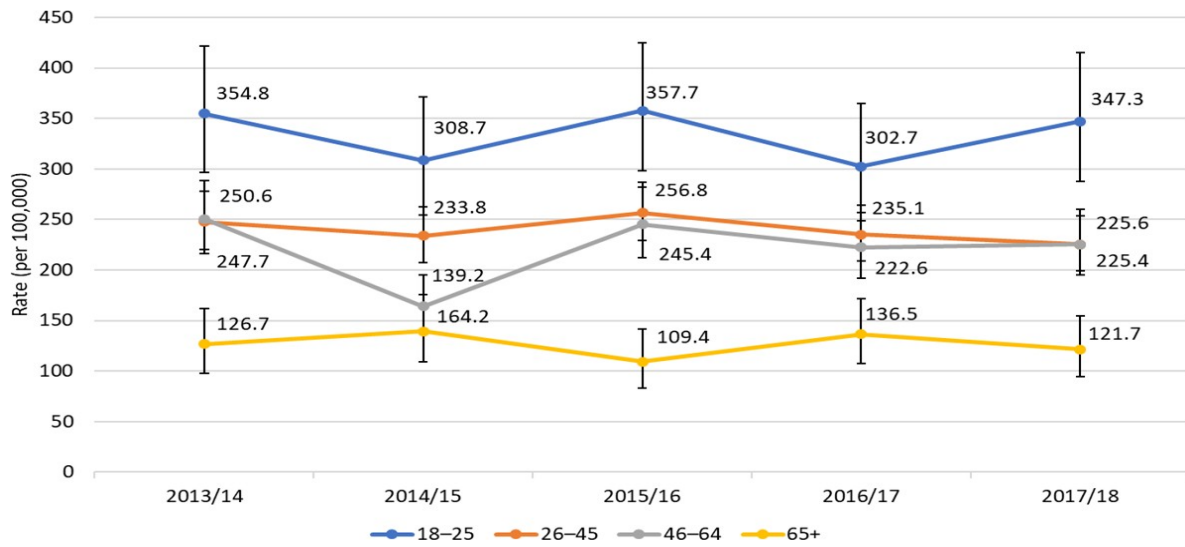
Ambulance service data can provide a sense of the scale of alcohol issues in a local area. The data below was obtained from the Safe Stats website and population data was gained from the Greater London Authority (GLA) and the Office of National Statistics (ONS). Figure 2 below provides information relating to alcohol related ambulance call outs for adults in Barnet between the years of 2013 to 2018. It shows that the rate per 100,000 in Barnet fluctuates but overall it has remained similar as the confidence intervals surrounding the actual figures overlap across all years.

Figure 2: Alcohol-related ambulance callouts for Barnet adults, 2013/14–2017/18²³



Looking at the rate per 100,000 of alcohol related ambulance call outs for Barnet residents by age ranges produced Figure 3 below. The Figure appears to show that the highest rate of ambulance call outs between 2013/14 and 2017/18 was in the 18-25- year-old groups, but during 2014/15 and 2016/17 this conclusion is questionable, due to the confidence intervals overlapping with the 26-45-year-old age group. In addition, the confidence intervals around the rate for 26-45-year olds between 2013/14 and 2017/18 crosses the rate for 46-64-year olds across all years, apart from during the years of 2014/15. Due to the number of confidence intervals that overlap in Figure 3 below, it is difficult to draw any firm conclusions from this data.

Figure 3: Alcohol-related ambulance callouts for Barnet adults, by age, 2013/14–2017/18²⁴



In the final Figure in this section, the ward location of the Barnet call outs during the years of 2017/18 was plotted as a rate per 100,000. The highest rates of ambulance call outs appear to be in Burnt Oak ward, however, when consideration is given to the confidence interval surrounding this rate, this conclusion cannot be made due to overlaps with the confidence interval around the second highest ward of West Finchley. There is also overlap in the confidence intervals around the rates for Burnt Oak, West Finchley and the third highest ward rate for Colindale. The wards with the lowest rates are listed in this Figure as Totteridge, Mill Hill and Brunswick Park, again due to overlapping confidence intervals, this should be viewed with caution. Please note that data on ambulance call out rates, could be a reflection of a number of issues not related to alcohol consumption by residents who live in these wards. For example, the location of on trade licensed premises could influence the data.

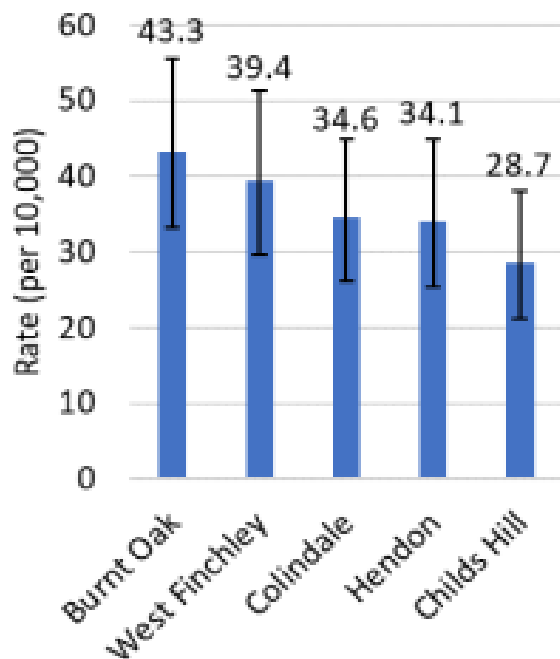


Figure 4: Alcohol-related ambulance call outs for Barnet adults, by ward, 2017/18²⁵

Although the figures relating to alcohol harm in Barnet appear to not be significantly increasing there is still evidence that alcohol related health harms are not reducing either.

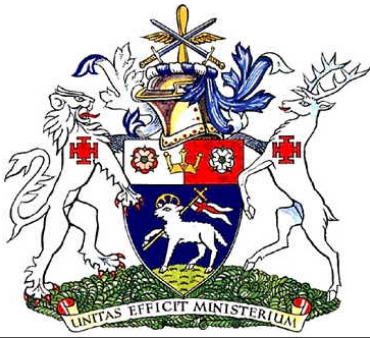
The area of Burnt Oak, where the CIZ is proposed appears to have the highest numbers of ambulance related call outs in Barnet (although not statistically significant) and Public Health are supportive of the introduction of a CIZ for this reason.

Summary of Changes

A summary of the changes incorporated into this proposed revision of the Licensing Policy is set out below. These changes/insertions are also highlighted in yellow throughout the document.

Sections	Summary of Changes
1.1 – 1.2	Introduction Update to the population numbers provided in this section
1.4	Reference to ‘Our Plan for Barnet 2023 – 2026’
1.14	Update reference to current licensing Policy and proposed licensing policy dates.
Appendix 3	Refreshes have been made to Appendix three attached to the report. These changes are in relation to updates statistics and data made available to the licensing authority by the Police, Ambulance Service, Noise Nuisance department, Community Safety Team and Public Health.
Appendix 4	Refreshes have been made to Appendix four attached to the report. These changes are in relation to updates statistics and data made available to the licensing authority by the Police, Ambulance Service, Noise Nuisance department, Community Safety Team and Public Health.

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Licensing & General Purposes Committee

Title	Revised Street Trading Policy 2024 - 2029
Date of meeting	8 th February 2024
Report of	Executive Director of Assurance
Wards	All
Status	Public
Urgent	No
Appendices	Appendix 1 – Proposed Revised Street Trading Policy
Officer Contact Details	Ash Shah – Group Manager (Regulatory Services) Ash.shah@barnet.gov.uk 020 8359 2165

Summary

This report seeks approval from Members to consult on the attached policy in relation to street trading licences. The attached policy is a review and update of the current policy

Recommendations

- 1. That the Committee note and comment on the proposed revised Street Trading Policy proposed to take effect from the 1st November 2024 so that the Licensing Team can commence a 6-week consultation on the proposed changes.**

1. Reasons for the Recommendations

- 1.1 The London Local Authorities Act 1990, the Business and Planning Act 2020 and the Levelling Up and Regeneration Act 2023 are the 3 main pieces of legislations for dealing with street trading and pavement licensing.
- 1.2 The London Borough of Barnet currently issues a number of licences for street trading:
 - Pavement licence (Pursuant to the Business & Planning Act 2020 amended by the Levelling-up and Regeneration Act 2023)
 - Temporary Street trading licences

- Permanent street trading licence
- Street market
- Advertising board licence

1.3 The current street trading licence policy was adopted in 2021 (to cover the period from 2021 to 2026). However, a revised policy has been proposed earlier than anticipated due to recent legislative changes.

1.4 This report is seeking approval to:

- consult on the draft policy in Appendix 1 for a period of six weeks and report back to the next Licensing Committee. The consultation process is outlined below in section 7.

1.5 It is best practice to have policies for each different licensing regime in order to ensure consistency of approach. This ensures clarity for traders and other interested parties in both the application and enforcement processes.

1.6 It is important to regularly review and refresh policies to be in line with legislative changes and best practice.

1.7 The main amendments / additions to the London Borough of Barnet Street Trading Policy (from the current Street Trading Policy) have been highlighted in yellow. (Appendix 1)

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

2. Alternative Options Considered and Not Recommended

2.1 **Do nothing** – However the London Borough of Barnet should ensure that its policies are kept under regular review and remain up to date with current law, guidance and best practice.

2.2 Not implementing a policy for this kind of licensing could lead to an inconsistent approach or decision making, susceptible to legal challenge.

3. Post Decision Implementation

3.1 The Licensing Team will commence a consultation on the revised policy and report back to the Licensing & General Purposes Committee at the November 2024 meeting.

4. Corporate Priorities, Performance and Other Considerations

Corporate Plan

4.1 The approach taken by the Licensing Authority in relation to applications fully supports objectives contained within the corporate plan. In particular in creating a more family friendly borough whilst becoming a borough of fun; a place to enjoy ourselves, where people can meet, experience arts, culture, events, sports and hobbies that reflect our diverse communities.

Corporate Performance / Outcome Measures

4.2 No relevant to this report

Sustainability

4.3 No sustainability issues arising from the recommendations.

Corporate Parenting

4.4 Not relevant to this report.

Risk Management

4.5 It is important that the London Borough of Barnet adopts a robust and accountable regulatory regime in relation to all Licensing. It needs to ensure that the risk of non-compliance and the regulatory burdens on both the Local authority and to the trade is minimised.

Insight

4.6 Not relevant to this report.

Social Value

4.7 Not relevant to this report.

5. Resource Implications (Finance and Value for Money, Procurement, Staffing, IT and Property)

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

6. Legal Implications and Constitution References

6.1 In accordance with Article 3 of the Constitution, the Council is responsible for approving the policy framework and the annual revenue and capital budget.

6.2 The Council and its Committees also retains responsibility for:

(i) regulatory functions (which include planning, licensing and health and safety at work);

6.3 The policy framework includes plans and strategies required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), which includes:

In accordance with Part 2B, Terms of Reference & Delegation of Duties to Committees and Sub-Committees, the powers and the duties of the Licensing and General Purposes Committee are:

(i) 6.1.1 To consider all matters which under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (referred to in the Schedule 3A-1 of the Constitution), are required not to be the responsibility of the Executive, save for those matters delegated to other Committees of the Council;

(ii) 6.1.4 To determine all matters and duties on the authority imposed by legislation, regulations orders, codes, and similar provisions for:

6.1.4.1 All activities under the Licensing/Gambling Acts

6.1.4.2 Food safety and control.

7. Consultation

1.1. If approved by the Committee, the policy will be submitted for consultation with the parties identified above for a period of 6 weeks. All replies will be taken into account and the policy,

revised as necessary, will be submitted to this Committee for final approval at its meeting in November 2024.

8. Equalities and Diversity

- 8.1 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.
- 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.

9. Background Papers

- 9.1 Proposed adoption of the Street Trading Policy – [Licensing Committee Monday 12th July 2021](#)
- 9.2 [London Local Authorities Act 1990 – Part III Street Trading](#)
- 9.3 [Business & Planning Act 2020](#)
- 9.4 [Levelling Up and Regeneration Act 2023 – Schedule 22 Pavement Licences](#)

London Borough of Barnet Street Trading Policy London Local Authorities Act 1990 (as amended)

Effective from **01/11/2025**

Author	Group Manager (Regulatory Services)
Directorate/Director	Assurance Directorate Executive Director of Assurance
Responsible Committee	Licensing & General Purposes Committee
Commencement Date	**/11/2024
Review Date	**/11/2029

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DEFINITION OF TERMS

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

1	Authorised Officer	An officer employed and authorised by The London Borough of Barnet to act in accordance with the provisions of the London Local Authorities Act 1990 (as amended).
2	Permanent Street Trading Licence	A licence given by the London Borough of Barnet to trade on a licensed street or at a licensed pitch
3	Temporary Street Trading Licence	A short term/provisional licence (valid for 6 months or less), given by the London Borough of Barnet to trade on a street.
4	Street Market licence	A street trading licence given by the London Borough of Barnet to an individual to allow him/her to trade on a street as a designated street market.
5	Advertising board licence	A licence given by the London Borough of Barnet to place an advertisement board on the public highway
6	Pavement Licence	A licence given by the London Borough of Barnet to premises who sell food and drink to allow them to trade on the street under the Business & Planning Act 2020 (as amended by Levelling-up and Regeneration Act 2023)
7	Licence Holder	The person or company to whom the licence to trade has been granted.
8	Market	An outdoor space where three or more stalls are situated together for the purpose of allowing people to trade on the street.
9	Itinerant ice cream trading	shall have the meaning ascribed in Section 21(1) of the London Local Authorities Act 1990 (as amended).
10	Street Trader	A trader granted permission by The London Borough of Barnet to trade from a specified position.
11	Street	Shall have the meaning ascribed in Section 21(1) of the London Local Authorities Act 1990 (as amended).
12	Street Trading:	Shall have the meaning ascribed in Section 21(1) of the London Local Authorities Act 1990 (as amended) and includes the use of tables and chairs situated on the highway for business purposes.
13	Street Trading Pitch/Location	The area in any street authorised as a place from which street trading may be carried on by a street trader, and includes any temporary alternative place approved by the London Borough of Barnet.
14	Advertisement	Any word, letter, model, sign, placard, board, notice, whether illuminated or not, in the nature, and employed wholly or partly for the purposes of advertisement,

		announcement or direction and includes any hoarding or similar structure or any balloon used, or adapted for use for the display of advertisements, and references to the display of advertisement shall be constructed accordingly.
15	Assistant	A person employed by and acting under the directions of a street trader to assist him/her about the business of the stall and whose name and address has been notified to the London Borough of Barnet
16	Awning	A sheet of canvas or other material, used as a protection against the weather, which projects as an extension of the roof beyond the structure of the stall.
17	Goods	Any goods, wares or merchandise displayed for sale at a stall
18	Pitch Limits	The agreed area within which street trading is permitted.
19	Refuse	Any waste which has been generated in the course of a Licensed Street Trader's business activity including, but not limited to; fruit and vegetable waste, cardboard, paper, small plastic items and other non-perishable waste.
20	Stall	Any structure used by a trader for the display of goods, or in connection with his or her business, and which occupies a licensed street trading pitch; and includes all goods offered or to be offered for sale and any additional structure or equipment used as part of the stall or business. On "isolated pitches" this also includes all rubbish created as a result of the business.
21	Premises	Any land, building or part of a building and includes any commercial premises adjacent to a Licensed Street Trading Pitch.

2 INTRODUCTION

- 1.1. This document sets out the London Borough of Barnet's policy in respect of its licensing functions for street trading under Part III of the London Local Authorities Act 1990 (as amended) (referred to in this policy as "the Act"). It also sets out the London Borough of Barnet's licensing policy for advertisement boards.
- 1.2. This policy also covers Pavement licences under the Business & Planning Act 2020 (as amended by Levelling-up and Regeneration Act 2023)
- 1.3. This policy will take effect following is final sign off by the Licensing & General Purposes Committee on **TBC**
- 1.4. This policy will be kept under review and before making any substantial 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.
- 1.5. The policy will be formally reviewed at least every 5 years.
- 1.6. The London Borough of Barnet recognises that street trading can play a part in the cultural identity of the borough and also contributes to the local economy. It may attract visitors and can make for vibrant towns and communities, while at the same time providing employment.
- 1.7. The London Borough of Barnet wishes to ensure at least minimum standards in relation to facilities, appearance and choice are maintained in relation to street trading. Therefore, in granting and renewing licences it is important that stalls are well designed with a high-quality finish that enhances the area.
- 1.8. In regulating street trading activities the London Borough of Barnet acknowledges that a balance must be struck between the legitimate objectives of applicants and the desires of the population as a whole, and in particular those members of the public living, working or engaged in normal activity in the area concerned. A balance must be struck between these, often conflicting positions and all relevant views will be taken into account when making licensing decisions or determining a course of action.
- 1.9. It is also recognised that street trading and markets are hugely important to a vibrant economy, as they offer an excellent low risk step for businesses.
- 1.10. However the London Borough of Barnet will not accept poorly managed or visually untidy and unappealing stalls/pitches, or those that cause an obstruction to persons or prevent safe access and egress.
- 1.11. This policy will apply to all street-trading activities to ensure consistency in decision-making. However, each application will be considered on its own merits so that individual circumstances, where appropriate, are taken into consideration.

- 1.1. On 20th October 2021, the existing Street Trading Policy 2021 – 2026 was implemented by Barnet Council prescribing standard/general licence conditions in accordance with Section 27(3) London Local Authorities Act 1990 and Section 5 Business & Planning Act 2020 (as amended by Levelling-up and Regeneration Act 2023) (Appendix 1). These currently remain in force without further amendments. These are reviewed and when significant changes are needed these can only be made once a formal consultation has been undertaken
- 2.13. The Licensing functions under the Act will be discharged by officers acting under delegated authority.
- 2.14. The licensing authority will maintain an up-to-date record of all designated street trading pitches including those which are currently vacant.

Trading Hours

- 2.15. Trading hours for street trading covered by this policy will be set on the basis of promoting the following purposes:
 - (a) Preventing crime, disorder and anti-social behaviour
 - (b) Avoiding public nuisance
 - (c) Protecting public safety
 - (d) Preventing obstruction of the highway
 - (e) Complementing the location and hours of neighbouring business activity
- 2.16. Licences will not be granted or varied beyond the hours of 07.00 to 23.00 on any day.
- 2.17. Licences may be granted or varied for shorter periods within these times where, as it appears to the licensing authority to be appropriate
- 2.18. Hours of trading may be variable depending upon the day of the week and will generally be granted having regard to the operating hours of other retail outlets in the vicinity.
- 2.19. Other factors to be taken into account when granting or varying hours of trading pertaining to any licence include:
 - (a) The ability to service the pitch (to stock and re-stock)
 - (b) Time needed to set up and take down the street trading stall

Goods Sold

- 2.20. Licence holders must apply to the licensing authority, clearly stating the nature of the proposed good(s) and proposed method of selling either at the stage of first application or for any subsequent change to the goods and services sold on the stall.

- 2.21. The London Borough of Barnet prohibits the sale of certain goods from the street. A list of prohibited goods can be found in Appendix 2.
- 2.22. The level of nuisance should be kept to a minimum and particular attention should be paid to cooking odours, smoke, noise, and litter. Goods should not be sold if they cause an unacceptable level of nuisance as determined by an authorised officer.
- 2.23. The goods applied for should not cause or contribute to crime and disorder.
- 2.24. In a limited range of circumstances it may be unsuitable for different types of stalls to be close together – for example a hot food stand next to clothing stalls.

3. OTHER LEGISLATIVE CONSIDERATIONS

- 1.1. Traders should be aware that this policy relates only to street trading activities and it is the responsibility of the trader to ensure that they are compliant with other legislation. Traders should consider whether their activities are likely to require authorisation and/or compliance with other regulatory regimes. For example, Control of Pollution Act 1974 and Environmental Protection Act 1990, Planning, Building Control, Food Safety, Health & Safety, Control of Waste, Highway Obstruction, Trading Standards, Late Night Refreshment/ Entertainment/Alcohol Licensing etc.

4. THE APPLICATION

- 1.2. 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 by post, using the standard Barnet application form, addressed to:

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

Or such other address as the Council may otherwise notify to applicants.

- 4.2. The application must be:
 - Made in writing (or submitted electronically)
 - Made on the correct application form as prescribed by the London Borough of Barnet
 - Accompanied by a non-refundable application fee (1 of 2 payments needed). See 4.4 below regarding the second fee payable.
 - Accompanied by acceptable passport sized photos (if required)
 - Accompanied by the relevant documents

4.3. An incomplete or incorrectly completed application will be rejected.

4.4. An issuing fee will then be payable by the applicants before the licence is issued to you. (see Section 12 below regarding fees).

Renewal Applications

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

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

4.7. An incomplete or incorrectly completed application will be rejected and the nonrefundable application fee retained.

4.8. An application received more than three months before the expiry date will be rejected and the non-refundable application fee retained.

5. CONSULTATION

Designation of Licensed Streets, Areas and Pitches

5.1. Before deciding whether to designate a pitch/street/area the London Borough of Barnet will carry out a consultation with interested parties. In particular, the following will be consulted:

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

5.2. Notices may be displayed in the vicinity of the designation area outlining the application and inviting representations.

5.3. Consultation will last for a period of 28 days within which interested parties may submit comments.

New Temporary/Permanent/Pavement Street Trading licence

5.4. Before a street trading licence is granted, the London Borough of Barnet will carry out a consultation with interested parties. In particular, the following will be consulted, as appropriate:

- London Borough of Barnet (Highways Authority)
- London Borough of Barnet (Environmental Health Service)
- The Metropolitan Police Service
- Local Ward Councillors
- Community Safety Team

- 5.5. Consultation will last for a period of 14 days starting the day following receipt of a valid application for all street trading licences (inc. pavement licences)
- 5.6. All new sites will be assessed by an Authorised Officer of the London Borough of Barnet for its suitability for a street trading licence.

Advertisement board applications

- 5.7. The following criteria must be met before the grant of an Advertising board licence can be considered:
- The board must be of sufficient contrast to its surrounding area.
 - Any board must not be more than 0.5m wide or be more than 1.5m tall
 - The board must be sufficiently stable so as not to blow over or be easily moved
 - The board must be of a construction that will cause minimal damage if there is a collision. There must be no sharp edges or protruding parts.
 - The board must not be fixed to the highway or any furniture on the highway.
 - The board must be located in a suitable and agreed position which must be agreed with the Licensing Team. In most circumstances this will be adjacent to your property.
 - **A minimum of 2 meters** of footway remains along the line of the board between the edge of the object and either the kerb or other highway boundary.
 - The advertisement information on the board does not contain any material or information that could cause offence.
 - The board must be removed from the public highway when the premises which holds the licence is closed and between 23:00 and 07:00.
 - There must be adequate storage facilities provided for the board to be placed in between these times
 - The boards should not cause a nuisance or hazard to persons using the highway or any adjacent land or premises.

Street Trading Renewal Applications

- 5.8. Prior to renewal of a permanent street trading licence the London Borough of Barnet, will carry out a consultation with interested parties. In particular the following will be, consulted as appropriate:

- London Borough of Barnet (Highways Authority)
- London Borough of Barnet (Environmental Health Service)
- The Metropolitan Police Service
- Community Safety Team
- Local Ward Councillors
- Community Safety Team

5.9. Consultation will last for a period of 14 days starting the day following receipt of a valid application for renewal of a Permanent Street Trading Licence.

5.10. The purpose of the consultation is to determine whether there has been any significant change in circumstances since the grant of the previous Permanent Street Trading Licence.

6 REPRESENTATIONS ABOUT LICENCE APPLICATIONS

1.1. Interested parties may make a representation about a Licence application to the London Borough of Barnet during the consultation periods outlined in section 5 in relation to matters that they consider to be relevant to the decision to grant a Licence.

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

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

2. DETERMINATION OF THE APPLICATION

2.1. The decision to designate a street trading pitch/location shall be determined by authorised officer under delegated powers. However, if the officer is unable to make a decision due to exceptional or other circumstances, the application may be determined by a Licensing Sub-Committee.

2.2. The decision to grant or renew a permanent licence will be made by an authorised officer under delegated powers. However, if the officer is unable to make a decision due to exceptional or other circumstances, the application may be determined by a Licensing Sub-Committee.

2.3. The decision to grant a pavement licence will be made by an authorised officer under delegated powers within the determination period set within the Levelling-Up and Regeneration Act 2023. If the officer is unable to make a decision before the end of the determination period the licence will be deemed to be granted by the authority to the applicant in accordance with the Levelling-Up and Regeneration Act 2023

- 2.4. The decision to grant a temporary licence or a street market (for a period up to 6 months) shall be determined by an authorised officer under delegated powers. However, if the officer is unable to make a decision due to exceptional or other circumstances the application may be determined by a Licensing Sub-Committee.
- 2.5. The decision to grant an Advertising board licence shall be determined by an authorised officer under delegated powers. However, if the officer is unable to make a decision due to exceptional or other circumstances the application may be determined by a Licensing Sub-Committee
- 2.6. The London Borough of Barnet will have regard to any relevant representations received and will assess the impact of the application on the following when deciding whether to grant or refuse an application:
- (a) Prevention of crime, disorder and anti-social behaviour
 - (b) Avoidance of public nuisance
 - (c) Protecting public safety
 - (d) Prevention of obstruction of the highway
 - (e) Complementing the location and hours of neighbouring business activity
- 2.7. The London Borough of Barnet will have regard to any relevant factors that may affect the use of a licence if granted including, but not exclusively,
- the suitability of the premises from which it is intended to trade and
 - the adequate provision of storage facilities for receptacles or perishable goods when street trading is not taking place.
- 2.8. The London Borough of Barnet will also consider whether the applicant:
- is unsuitable to hold a licence on the grounds of misconduct or other sufficient reason and may consider imposing penalty points on any existing licence
 - has previously failed to obtain a street trading licence
 - has previously held a licence that was revoked
 - has previously failed to pay fees or other charges in respect of a licence

3. GRANTING THE APPLICATION

- 3.1. Upon approving an application the London Borough of Barnet may issue a licence as appropriate.

- 3.2. A licence will be issued subject to the London Borough of Barnet's standard conditions and shall be subject to any additional terms, plans and details contained in the application.
- 3.3. A licence may also be issued subject to specific conditions that the licensing authority deems reasonable and necessary.
- 3.4. A permanent street trading licence shall be granted for a period not exceeding 3 years.
- 3.5. A temporary street trading licence may be granted on a daily, weekly or monthly basis up to a maximum period of six months.
- 3.6. A Pavement Licence shall be granted for a period not exceeding 2 years.
- 3.7. An Advertising board licence shall be granted for a period not exceeding one year.

4. REFUSAL OF AN APPLICATION

- 4.1. A licence shall not be granted unless:
 - The fees have been paid in full or,
 - An agreement in writing has been obtained from the London Borough of Barnet which contains details of the payment of the fee by instalments.
- 4.2. A licence shall be refused if any of the circumstances in section 25(4) of the Act apply or in the case of Pavement Licences any of the requirements as set out in Section 2 of the Business & Planning Act 2020 (as amended by Levelling-up and Regeneration Act 2023)
- 4.3. A licence may be refused if any of the circumstances in section 25(6) of the Act apply. However, before a final decision is taken the London Borough of Barnet will provide the licence holder or applicant a written notice of its intention to refuse the licence. The licence holder or applicant will be provided an opportunity to appear before a senior authorised officer and to make representations in respect of the matter. The senior authorised officer will determine whether the refusal to issue a licence is upheld.
- 4.4. A licence will not be granted if the proposed street trading pitch will not allow sufficient and safe passage for pedestrians using the footpath. In general, at least 2.0 metres of clear unobstructed passage must be maintained from the roadside kerb to the outermost point of the pitch. In areas of high pedestrian use or high levels of traffic a larger clearance may be required, as determined by the London Borough of Barnet.
- 4.5. A licence will not be granted if it is clear that the granting of the licence will cause significant nuisance, compromise public safety, lead to crime, disorder or anti-social behaviour, obstruct the highway, or seriously conflict with the location and hours of neighbouring business activity.

5. EXPIRY OF THE LICENCE

- 5.1. A licence will expire on the date specified on the licence unless it is renewed in accordance with section 4 above.
- 5.2. A licence holder may surrender **his/her/their** licence by sending it to the London Borough of Barnet, at which time it will cease to be valid and will expire.

Lapse

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

Succession

- 5.4. This section only applies to an individual licence holder of a permanent street trading licence.
- 5.5. If the licence holder dies or retires or is unable to continue due to ill health as described in Section 26 of the Act the London Borough of Barnet shall not grant a licence in respect of the street trading pitch until 28 days have elapsed from the date of the event.
- 5.6. During the 28-day period, the person named as the successor by the licence holder in his/her/their original application may apply to the London Borough of Barnet for the licence to be transferred. The transfer application must be made inline with the standard application procedure for a permanent street trading licence.

6. REVOCATION OR VARIATION

- 6.1. The licensing authority may, subject to the appropriate consultation and notification procedures, de-designate streets or street trading pitches where, in the opinion of the licensing authority, they are no longer suitable for street trading. The circumstances under which a location may be considered no longer suitable include:
 - (a) It has not been used for trading for a period of greater than six months;
 - (b) There are altered circumstances due to increased pedestrian footfall resulting from altered highway layouts, public realm improvements or construction projects;
 - (c) Where new development and the siting and operation of the trading pitch would adversely affect local pedestrian flow or cause congestion, including close to transport stops and stations.

Pavement licences

- 6.2. The London Borough of Barnet may revoke or serve a notice on the licence holder (requiring steps to be taken) at any time if any of the circumstances in Part 1 Section 6 of the Business & Planning Act 2020 Act (as amended by Levelling-up and Regeneration Act 2023) apply.
- 6.3. The local authority may revoke a pavement licence if it considers that—
- a) some or all of the part of the relevant highway to which the licence relates has become unsuitable for any purpose in relation to which the licence was granted or deemed to be granted,
 - b) as a result of the licence—
 - (i) there is a risk to public health or safety,
 - (ii) anti-social behaviour or public nuisance is being caused or risks being caused, or
 - (iii) the highway is being obstructed (other than by anything done by the licence-holder pursuant to the licence),
 - c) anything material stated by the licence-holder in their application was false or misleading, or
 - d) the licence-holder did not comply with the application requirements.
- 1.1. If a licence-holder on whom a notice is served under Section 6, subsection (1)(b) of the Business and Planning Act 2020 (as amended by Levelling-up and Regeneration Act 2023) fails to comply with the notice, the local authority may —
- (a) revoke the notice, or
 - (b) take the steps itself and recover the costs of doing so from the licence-holder.
- 1.2. However, having considered all the available evidence the London Borough of Barnet may decide that it is appropriate to vary the conditions of the permanent street trading licence to ensure that compliance with the legislation, this Street Trading Policy and licence conditions is achieved.
- 1.3. Before a decision is taken the London Borough of Barnet will give the licence holder written notice of its intention to revoke or vary the licence so that they may submit their own representations.

Permanent street trading licence

- 1.4. The London Borough of Barnet may revoke a permanent street trading licence at any time if any of the circumstances in Section 28 of the Act apply.
- 1.5. The licence holder will then be given an opportunity to appear before a senior authorised officer within 21 days and to make representations in respect of the matter.
- 1.6. The senior authorised officer will consider the representations before a decision is made.

- 1.7. The senior authorised officer will also have regard to this policy before making a decision.

Temporary Street Trading Licence

- 1.8. The London Borough of Barnet may revoke or suspend the use of a temporary licence on land within 7 metres of any road or footway as described in section 31 (1E) of The Act.
- 1.9. If the London Borough of Barnet revokes or suspends the temporary licence it will take effect as soon as this is notified to the relevant party.
- 1.10. As an alternative, or in addition to revocation or variation of a licence, the London Borough of Barnet may decide that other enforcement action is appropriate. This may include pursuing a criminal prosecution in accordance with the Enforcement Policy.

Advertisement board

- 1.11. The London Borough of Barnet reserves the right to request that the board is removed immediately in the event of:
 - (a) Works in or under or over the highway
 - (b) Use by emergency services.
 - (c) Any other reasonable cause.
- 1.12. The London Borough of Barnet may revoke or suspend the use of the advertising board licence on the grounds of safety or nuisance.
- 1.13. If the London Borough of Barnet revokes or suspends the advertising board licence it will take effect as soon as this is notified to the licence holder.

2. FEES

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

- 2.5. After a final decision is made, the London Borough of Barnet will inform all licence holders and publish a notice of the fees in a local newspaper.
- 2.6. The fees will take effect no less than 28 days after the publication of the notice.
- 2.7. If an application fee is paid by cheque, the fee shall not be deemed to have been paid until the funds have cleared.

3. DECISIONS

- 3.1. Decisions will be taken having regard to this Street Trading Policy, Part III of the London Local Authorities Act 1990 (as amended) and Business & Planning Act 2020 (as amended by Levelling-up and Regeneration Act 2023).

4. APPEALS

- 4.1. Any appeal against the decision of the London Borough of Barnet in respect of the grant, variation, revocation or refusal to grant a permanent licence may be made to the magistrate's court.
- 4.2. There is no right of appeal in respect of temporary street trading licences.

5. ENFORCEMENT

- 5.1. Any enforcement action instigated by the London Borough of Barnet will be in accordance with the appropriate legislation and the Enforcement Policy.

6. UNLICENSED STREET TRADING

- 6.1. Unlicensed street trading can have a negative impact on legitimate street traders and the community as a whole and will not be tolerated by the London Borough of Barnet.
- 6.2. If an authorised officer suspects that a person has committed an offence of unlawful street trading the authorised officer may take appropriate action in line with the current enforcement policy which may also involve the seizure of any article or thing deemed necessary.
- 6.3. Before taking any formal action the authorised officer will identify him/herself/**themselves** by showing their identification and authorisation.

7. MOTOR VEHICLES

- 7.1. The sale or exposure for sale of a motor vehicle or motorcycle in a street is prohibited.

- 7.2. Offering a vehicle for sale on the internet by a motor trade business at the same time as keeping the same vehicle on the public highway will be deemed to be street trading and is prohibited.
- 7.3. If an authorised officer identifies a vehicle that is exposed or advertised for sale on the street the authorised officer may affix a notice to the windscreen or other part of the vehicle requiring the registered owner to remove the vehicle within 24 hours.

8. DATA PROTECTION, FREEDOM OF INFORMATION AND DATA MATCHING

- 8.1. The London Borough of Barnet London Borough of Barnet is the Data Controller of all personal information held by the Licensing Authority. The London Borough of Barnet will process and hold that information in accordance with principles of the Data Protection Act 2018.
- 8.2. The information supplied and held as part of the street trading application and enforcement processes may be disclosable in accordance with the Freedom of Information Act 2000 or Environmental Information Regulations 2004.
- 8.3. The information supplied in all applications will be given to the Audit Commission to participate in the National Fraud Initiative (NFI) data matching exercise and will be used for cross-system and cross authority comparison with other relevant organisations' data for the prevention and detection of fraud.

London Borough of Barnet

Street Trading Licence Conditions

Updated October 2024

DEFINITIONS

In the regulations, unless the context otherwise requires, the following expressions shall have the following meanings:

1.1 **“Act”** means Part III of the London Local Authorities Act 1990 (as amended).

1.2 **“Advertisement”** means any word, letter, model, sign, placard, board, notice, whether illuminated or not, in the nature, and employed wholly or partly for the purposes of advertisement, announcement or direction and includes any hoarding or similar structure or any balloon used, or adapted for use for the display of advertisements, and references to the display of advertisement shall be constructed accordingly.

1.3 **“Assistant”** means a person employed by and acting under the directions of a street trader to assist him/her about the business of the stall and whose name and address has been notified to the London Borough of Barnet.

1.4 **“Awning”** means a sheet of canvas or other material, used as a protection against the weather, which projects as an extension of the roof beyond the structure of the stall

1.5 **“Authorised Officer”** means an officer employed by The London Borough of Barnet and authorised by the London Borough of Barnet to act in accordance with the provisions of the London Local Authorities Act 1990 (as amended).

1.6 **“Child”** means a person under 16 years of age.

1.7 **“Commodities”** means any goods, wares or merchandise for sale or on display at a Licensed Street Trading Pitch.

1.8 **“Ice Cream Trading”** means the selling, exposing or offering for sale of goods consisting wholly or mainly of ice cream, frozen confectionery or other similar commodities from a vehicle.

1.9 **“Itinerant Ice Cream Trading”** shall have the meaning ascribed in Section 21(1) of the London Local Authorities Act 1990 (as amended).

1.10 **“Licensed Street Trader”** means any person who is licensed by the London Borough of Barnet for Street Trading under Part III of the Act.

1.11 **“Licensed Street Trading Pitch”** The area in any street authorised as a place at which street trading may be engaged in by a street trader, and includes any temporary alternative place approved by the London Borough of Barnet or a duly authorised officer of the London Borough of Barnet and for which a Licence has been granted.

1.12 **“Premises”** means any land, building or part of a building and includes any commercial premises adjacent to a Licensed Street Trading Pitch.

1.13 **“Receptacle”** includes a box, vessel, table, chair or stand, vehicle or thing which is used (whether or not constructed or adapted for such use) as a container for the display of any article or thing or equipment used in the provision of any service or sale or offer or display of goods for sale.

1.14 "**Refuse**" means waste which has been generated in the course of a Licensed Street Trader's business activity including, but not limited to; fruit and vegetable waste, cardboard, paper, small plastic items and other non-perishable waste.

1.15 "**Regulations**" means the contents of this document.

1.16 "**Shop Front Trading Licence**" means a licence which permits the display of shop goods or the placing of tables and chairs on the street ancillary to the existing business and in a manner permitted by the Act.

1.17 "**Special conditions**" are such conditions as it is deemed reasonable by the London Borough of Barnet to apply / not to apply to any Street Trading Licence in addition to the standard conditions.

1.18 "**Standard conditions**" means those matters set out in Section 27 (7) of the London Local Authorities Act 1990 (as amended) and as stated on a Street Trading Licence together with the conditions set out in these Regulations.

1.19 "**Street Trading**" Shall have the meaning ascribed in Section 21(1) of the London Local Authorities Act 1990 (as amended) and includes the use of tables and chairs situated on the highway for business purposes.

1.20 "**Street Trading Licence**" A licence given by The London Borough of Barnet to trade on a licensed street (valid for a period of not less than 6 months and no more than 3 years).

1.21 "**Temporary Street Trading Licence**" A short term/provisional licence (valid for a period up to 6 months), given by The London Borough of Barnet to trade on a street.

1.22 "**Street Trading Pitch/Location**" The area in any street authorised as a place from which street trading may be carried on by a street trader, and includes any temporary alternative place approved by the London Borough of Barnet.

1.23 "**The London Borough of Barnet**" means the council of the London Borough of Barnet.

1.24 "**Trader**" A trader granted permission by The London Borough of Barnet Council to trade from a specified position.

General Conditions Applicable To All Street Trading Licences

GENERAL

2.1 The grant of a Street Trading Licence shall not be deemed to give any approval or consent which may be needed under any Bye-Law, enactment or regulation other than the Act.

2.2 These conditions may be dispensed with or modified by the London Borough of Barnet in any individual case by means of a Street Trading Licence variation in accordance with the statutory requirements;

2.3 Where in these conditions there is reference to the consent or agreement of the London Borough of Barnet, such consent or agreement may be given on such terms and conditions and subject to such restrictions as may be specified by the London Borough of Barnet; any variation shall not take effect until the consent of the London Borough of Barnet has been received in writing by the Licensed Street Trader.

2.4 If a Licensed Street Trader wishes any of the terms or conditions of a Street Trading Licence to be varied, application must be made in writing to the London Borough of Barnet in accordance with the statutory requirements. Any variation shall not take effect until the licence holder has received the consent of the London Borough of Barnet in writing.

2.5 Licensed Street Traders shall ensure that they comply with all relevant legislation including orders and regulations and any amendment or replacement of such legislation. Failure to comply with such legislation may result in the revocation of the Street Trading Licence.

2.6 The Trader shall engage in street trading only from the position, which is indicated on the licence, unless otherwise directed by an Authorised Officer.

2.7 The Street Trading Pitch shall not exceed the dimensions specified on the Street Trading Licence and any Licensed Street Trading Pitch limits marked on the ground. An Awning may be permitted to extend 30cm (12inches) at the front of the Licensed Street Trading Pitch but no articles are to be suspended from the Awning beyond the permitted area.

2.8 A Trader shall not cause or permit any receptacle, part of a receptacle, goods or other articles whatsoever to project beyond the Licensed Street Trading Pitch.

2.9 Traders shall not cause or permit receptacles, vehicles, commodities or other articles to be placed or to stand anywhere on the street otherwise than within the limits a Licensed Street Trading Pitch. Traders shall not use feeder barrows, feeder vehicles or feeder receptacles for the display of goods.

2.10 "A" boards or other free-standing advertisements located within the pitch area will only be allowed if written approval has been given for these as part of the application process. Free-standing advertisements outside the pitch area are not permitted under any circumstances.

2.11 The licence holder shall not make any excavations or alterations of any description in the surface of the street, or land in the ownership of the London Borough of Barnet adjoining

street, or place or fix equipment of any description in the said surface except with the previous consent from the London Borough of Barnet in writing.

2.12 Advertisements or other notices shall not be displayed on any street furniture or any other location without the licence holder first obtaining written consent from the highway authority or any other relevant authority.

2.13 Only those goods specified on the Street Trading Licence may be sold from the Licensed Street Trading Pitch and Traders shall be limited to the group of goods listed on the licence.

2.14 No advertisement shall be displayed on the licensed pitch, which relates to any goods, commodities or services other than the goods offered for sale or provided on that pitch.

2.15 Licensed street trading may only take place on the days and during the times specified on the Street Trading Licence.

2.16 Traders or their Assistants shall remove their receptacles and commodities by the closing time stated on the Street Trading Licence.

2.17 Except where specifically authorised by an Authorised Officer, no receptacle shall be left in the street after the closing time stated on the Street Trading Licence.

2.18 Vehicles are not permitted into the street trading area when prohibited by a road traffic Order.

2.19 Nothing in this section permits or purports to permit a Trader to contravene the terms of any parking restriction or order that applies to the street in question.

2.20 The dimensions of a Licensed Street Trading Pitch shall be such that a minimum of 2.0 metres clear of any obstruction shall be maintained on the public highway for the safe pass, re-pass and free flow of pedestrian and vehicular traffic.

2.21 Barriers will only be allowed on a licensed pitch where they have been specifically included and permitted within the licence application process. Barriers are only permitted to enclose the outer perimeter of the pitch or to enclose the outer perimeter of a seating area within the pitch (or, in the case of markets, any other such area as agreed with the licensing authority)

2.22 Any barrier erected on a pitch should be constructed of posts joined by textile panels. All such barriers should stand on the ground and be removable. All feet and supports should be within the defined pitch area.

2.23 No Street Trading will take place beyond the hours of 07:00 to 23:00.

2.24 Excessive and inappropriate lighting is not allowed, as determined by an Authorised Officer.

2.25 No hot food shall be cooked in an open and unenclosed area.

2.26 If food is sold at the street trading pitch, then the trader must ensure they comply with the Food Safety and Hygiene (England) Regulations 2013 and the Food Information Regulations 2014.

2.27 No goods should be sold if the cooking odours, smoke, or noise from them cause an inappropriate nuisance to persons and businesses in the vicinity, as determined by an authorised officer.

REFUSE

3.1 It shall be the Trader's responsibility to ensure that all litter and waste generated by their street trading activity is moved to a place from where it will be collected for transport to an authorised place of disposal. This may be by storage in suitable containers within the Licensed Street Trading Pitch until its collection by an authorised collector of waste.

3.2 The Trader shall keep the pitch area (and its environs up to 5 metres in any direction from the pitch) clean and swept free of any remaining debris throughout the street trading day. In particular it shall be the duty of every Trader to pick up all litter, debris, packaging and detritus that has been produced in the course of street trading or could reasonably be assumed to have been so produced or from any other source.

3.3 Where relevant, Traders are required to have in place a commercial waste agreement with a registered carrier of waste. Any commercial waste agreement shall be sufficient in quantity and frequency of collection to cover all the waste produced by the trader at the street trading pitch or in the market environs as a result of street trading.

3.4 Any Refuse considered by law to be an animal by-product shall be stored in an approved sealable container. For these purposes animal by product from a market stall shall include all waste water or water contaminated with material of animal origin or blood or other like fluid and no such liquid shall be allowed to drain onto the street or into the public street drainage system. All such Refuse shall be stored and disposed of in accordance with the relevant legal requirements.

3.5 Traders shall keep waste 'Duty of Care' transfer notes or any such proof of proper disposal of commercial waste as may be required by law. All proof of proper disposal should be available for inspection at the Street Trading Licensed Pitch during trading day for inspection by Authorised Officers upon request. Obtaining of any such proof shall be the absolute liability of the Trader irrespective of the body or company removing the waste.

DISPLAY OF LICENCE

4.1 A copy of the Street Trading Licence must be kept on the premises and produced to an Authorised Officer or police officer immediately upon request indicating: the Trader's name, names of Assistants, commodity, licence number, Licensed Street Trading Pitch, Street Trading Licence issue date and expiry date. This licence shall include the Trader's photograph and those of the Assistants registered to trade on the Street Trading Licence Pitch with the London Borough of Barnet. This information (save for the photographs) shall also be supplied in writing immediately to any person who requests it.

SAFETY OF EQUIPMENT

5.1 Prior to using any electrical equipment on a Licensed Street Trading Pitch permission must be sought in writing from the London Borough of Barnet.

5.2 Electrical equipment must be tested annually by a suitably qualified electrician. Traders will be required to retain and produce the original safety certificate for electrical equipment approved for use on the stall to an Authorised Officer on request. All equipment will require a safety tag to be displayed recording that the equipment has passed the necessary test and the date on which it was last tested.

5.3 All Traders using an electric supply must have consent from the London Borough of Barnet before seeking installation from an electricity supplier. Where relevant, the Trader and the supplier will be required to provide the London Borough of Barnet with an indemnity for the safety of the supply of electricity.

5.4 Traders will disconnect from the supply when directed to do so by an Authorised Officer of the London Borough of Barnet.

5.5 Where mobile electrical generators are used their use and position must be approved by the London Borough of Barnet. They shall be so positioned as to ensure that:

5.5.1 They do not present a danger to the passing public.

5.5.2 They do not present a fire or similar hazard risk to the stall or goods displayed thereon.

5.5.3 They do not cause any noise or fume nuisance.

5.5.4 Any inflammable fuel is stored away from the stall in a London Fire Authority approved location and an approved container.

5.5.5 A generator shall be turned off at the request of an authorised London Borough of Barnet officer or police officer.

5.6 A Trader must not tamper with, or use an electricity supply of the London Borough of Barnet without payment. Any Trader causing damage to any London Borough of Barnet installation or equipment will be required to pay the full cost of any repair or replacement. Any Trader responsible for such acts may be subject to a separate prosecution or civil proceedings.

RECEPTACLES

6.1 Receptacles shall be easily and immediately assembled and removed. The London Borough of Barnet reserves the right to inspect receptacles for health and safety compliance and to ensure that they are fit for purpose. Any receptacle deemed to present a risk or hazard shall be immediately removed at the request of an Authorised Officer. It shall be and shall remain the responsibility and liability of the Trader to ensure that any receptacle is safe in its construction, siting, erection and use and will not cause injury to any person.

6.2 Traders or their Assistants shall remove the receptacles and commodities for so long as may be necessary in the event of extreme circumstances and when required to do so by a police officer or an Authorised Officer.

6.3 All receptacles shall be of an approved type and shall be kept in clean condition and good repair. A receptacle shall be repaired or repainted within one month of a written request from an Authorised Officer.

6.4 A Trader shall ensure that until such time as a receptacle that is unsafe or becomes unfit for purpose or beyond repair in the opinion of an Authorised Officer is replaced with one fit for purpose.

6.5 Only those receptacles and containers which are suitable and fit for purpose and approved by the London Borough of Barnet shall be used by the licence holder and Assistants for trading. Displays shall not be formed by the use of unsuitable items such as milk crates.

6.6 A display, receptacle, table or chair shall not be used if it is likely to damage the street.

6.7 The display/stand must be of a construction that will cause minimal damage if there is a collision. There must be no sharp edges or protruding parts.

6.8 Well-designed high quality finish styled appropriately for the street they are placed on

CONDUCT

7.1 A Licensed Street Trader and any Assistants employed by them shall ensure that all members of the community are fairly treated and with courtesy and respect. Traders and their Assistants shall not use any form of racist, sexist, homophobic or abusive language or display any materials that can cause offence to a person's race, religion or sexual orientation. Traders must not behave in an aggressive manner or commit any acts of aggression or harassment (whether racial, sexual or otherwise) against any person.

7.2 In order to protect the community, any Trader or Assistant who commits one of the offences listed below will be liable for immediate suspension of their Street Trading Licence whilst the matter is investigated and until the London Borough of Barnet determines if their licence should be permanently revoked:

- Possession or supply of any controlled drugs,
- Supply of counterfeit goods or offensive weapons,
- Sale and supply of alcohol unless permitted by licence.
- Trading under the influence of drugs or alcohol.

7.3 All licensed Street Traders shall produce their Street Trading Licence when requested to do so by an Authorised Officer or police officer.

7.4 Traders shall not use or permit another person to use on the Licensed Street Trading Pitch or within the immediate vicinity any equipment or apparatus to produce music or other similar sound, except in connection with the sale of their commodity and then either through ear phones or at a volume level that allows a face to face conversation at normal speech

level from the traders stall. Any Trader must reduce the level of sound from any device when required to do so by an authorised officer.

7.5 There shall be no continuous playing of amplified music other than for the purposes in the paragraph above.

INSURANCE

8.1 The Licensed Street Trader shall indemnify the London Borough of Barnet against all actions, proceedings, claims demands and liability which may at any time be taken, made or incurred in consequence of the use or presence of the Trader, their Assistant, their stall, receptacle or goods and any other object or thing they bring with them or produce in the course of their business and for this purpose must take out at the traders expense a policy of public liability insurance approved by the London Borough of Barnet in the minimum sum of £5,000,000 (5 million pounds) in respect of any one event and must produce to the London Borough of Barnet on request the current receipts for the premium payment and confirmation of the renewals of the policy. The London Borough of Barnet reserves the right to vary this amount from time to time and to notify traders of any increase required by letter. A copy of the certificate of insurance shall be handed to the London Borough of Barnet on request.

8.2 Satisfactory evidence of such insurance must be produced to the London Borough of Barnet before a Street Trading Licence will be granted or renewed. Failure to produce insurance certificates when requested by an Authorised Officer will lead to temporary suspension from trading until the certificate is produced and the London Borough of Barnet is satisfied with the level of cover.

8.3 The London Borough of Barnet reserves the right to contact insurance companies for the purposes of verifying the authenticity of the cover. Any Trader who does not have full insurance for the period specified within their licence and for the value stated by the London Borough of Barnet will be suspended from trading until suitable insurance is in place and the cover note or policy presented to the London Borough of Barnet.

8.4 Traders must inform the London Borough of Barnet in writing and provide an updated copy of the certificate of insurance where there are any changes to their insurance cover. The London Borough of Barnet may use the information provided to contact the Trader's insurer to confirm the details of any policy held or purported to be held and the applicable level of cover and indemnity provided.

STORAGE

9.1 Traders in foodstuffs shall notify the London Borough of Barnet in writing of any change of address or addresses at which the receptacle and any commodities are stored. Such notice shall be given within 7 days of the change and the London Borough of Barnet reserves the right to conduct an inspection to confirm occupancy and to ensure the storage space is compliant with relevant standards.

EMPLOYED ASSISTANTS

10.1 Traders shall notify the London Borough of Barnet in writing on the relevant forms of the name, address and national insurance number of each and every Assistant who assists with

sales on the Licensed Street Trading Pitch. Details of any subsequent change of assistant or any other relevant information regarding Assistants shall be given in writing to the London Borough of Barnet.

10.2 The licence holder shall provide the London Borough of Barnet with details of all Assistants who may work on the Licensed Street Trading Pitch whether the Trader is present or not.

10.3 A Licensed Street Trader shall not employ a child in any capacity in the course of his trade or business.

10.4 The licensed trader may employ any other person to assist in the conduct of the business but may not let, assign or part with his interest or possession under this licence, but he may surrender it at any time. The right granted by this licence cannot be sub-let transferred or shared with any other person or party.

10.5 Traders shall notify the London Borough of Barnet of any changes of Assistants as soon as the changes occur.

10.6 Any contravention of these regulations by an Assistant shall be deemed to be a contravention by the Trader whether the trader was present at the time of the contravention or not.

ASSISTANCE TO LONDON BOROUGH OF BARNET OFFICERS

11.1 A trader shall give immediate assistance to London Borough of Barnet officers when requested so to do in the exercise of their official duties.

11.2 A Trader shall not use rude or offensive language or behave in an aggressive manner when dealing with any agent, officer or elected member of the London Borough of Barnet.

PAYMENT OF CHARGES

12.1 A Trader shall pay all charges in connection with Street Trading to the London Borough of Barnet, on the dates and intervals advised by the London Borough of Barnet upon the issue and/or renewal of the Street Trading Licence and in the manner agreed as appropriate for payment by the London Borough of Barnet.

CHANGE OF ADDRESS AND CIRCUMSTANCES

13.1 A Trader shall give notice in writing to the London Borough of Barnet of the change of any of the addresses and circumstances including the trader's health. Notice of a change of address shall be given within seven days of the said change. Proof of new address will need to be submitted to the London Borough of Barnet. The London Borough of Barnet reserves the right to conduct a home visit to confirm occupancy.

PITCH AREA

14.1 The trading area shall not exceed the agreed dimensions specified within the licence; except solely in connection with the setting up or taking down of the stall and other equipment.

14.2 No goods or other articles whatsoever shall project beyond or be placed alongside or around the extremities of the agreed trading area. The Trader shall immediately remove items placed outside the licensed area if requested to do so by an Authorised Officer of the London Borough of Barnet.

14.3 No patio heaters or other CO2 emitting heaters are permitted in the licensed area.

14.4 Any Awnings sheets, covers, screens, clips and ties need to be secured in a manner that they do not pose a hazard or nuisance to any person. No part of an Awning may be less than 2.6 metres from the ground or project into the carriageway without prior approval. No items may be affixed to it.

14.5 Paper goods must be secured so that they do not blow away.

14.6 Ashtray units allowing for the secure disposal of butts shall be present at all premises licensed for tables and chairs.

14.7 The licence holder shall ensure that customers using the tables and chairs do not cause any nuisance whatsoever to residents, other businesses or persons using the highway.

VEHICLES

15.1 The Trader shall not leave his vehicle in the street in which he trades apart from approved parking spaces upon full payment of any relevant fee. Where permitted loading and unloading of goods shall be carried out as quickly as possible with the vehicle moved immediately on completion.

15.2 A licensed Trader shall not permit vehicles used in connection with his licensed pitch to be in the vicinity of the trading area for loading/unloading or other purposes during trading hours.

SHOP FRONT LICENCES

16.1 The conditions below shall apply to Tables and Chairs and shop front display Licences only in addition to the general conditions:

- (i) Only those items sold in the shop premises to which the street trading area is adjacent to can be sold under the 'shop front licence'.
- (ii) Only those services provided within the premises can be provided in the licensed area where a licence permits tables and chairs to be placed on the street.
- (iii) Alcohol shall not be consumed in the Licensed Street Trading Pitch unless the plan attached to the premises licence issued under the Licensing Act 2003 includes the Licensed Street Trading Pitch.

PAVEMENT LICENCE SPECIFIC CONDITIONS

17.1 The conditions below shall apply to Pavement Licences only in addition to the general conditions:

- (i) Anything done by the licence-holder pursuant to the licence, or any activity of other persons which is enabled by the licence, must not have an effect specified in section 3(6) of the Business & Planning Act 2020 (as amended by Levelling-up and Regeneration Act 2023)SS.
- (ii) Where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted.
- (iii) The pavement licence holder must ensure that the management team of the business to which the Pavement Licence is attached; register and successfully complete the nationally recognised counter terrorism training product referred to as ACT E Learning within 10 days of the notification of the grant of the Pavement Licence OR can demonstrate that the ACT E Learning product has successfully been completed within the preceding 12 months and that all staff employed by OR at the premises complete the ACT E Learning within a reasonable period not exceeding 3 months from the notification of the grant of the Pavement Licence.(Act E Learning certificates are provided on successful on-line completion).
- (iv) The Pavement Licence holder must ensure that existing CCTV systems are correctly working, are compliant with the Data Protection Act 1998, Information Commissioners requirements and any other local CCTV Code of Conduct produced by the Police or Local Authority. Imagery must be retained for at least 28 days and images produced to a Police Officer or Local Authority Enforcement Officer upon reasonable request. Faults which render the CCTV system or parts of it inoperable should be rectified within 24 hours.

APPENDIX 2 PROHIBITED ITEMS

The following are prohibited to be sold as part of a street trading licence:

- Live animals
- Second hand electrical goods
- Sex articles
- Medicines or treatments
- Alcohol (unless consumption in an shop front licence adjacent to a licensed premises and covered by the premises licence or as part of a street market with a relevant authorisation for alcohol sales)
- Cigarettes/Tobacco/Shisha products
- Any form of gambling
- Firearms



London Borough of Barnet

**Licensing and General Purposes Committee Work programme
June 2023 - June 2024
Forward Work Programme**

Unless otherwise shown meetings take place at:

Hendon Town Hall
The Burroughs
London NW4 4BQ

Contact: Pakeezah Rahman
Pakeezah.Rahman@Barnet.gov.uk

AGENDA ITEM 8

8 February 2024

Annual Electoral Services Overview Report	Annual report from Electoral Services – including analysis of Barnet’s Register of Electors	Returning Officer and/or Electoral Registration Officer
Revised Licensing Policy	To note the changes and agree to the public consultation	Executive Director for Assurance
Revised Street Trading Policy (including legislative changes in relation to pavement licensing)	To note and comment for the policy to go out to public consultation	Executive Director for Assurance

27 June 2024

Annual Licensing Report - Reporting Activities April 2023- March 2024	To note and comment on Licensing activities	Executive Director for Assurance
Street Trading Policy (effective from the 1st November 2024)	To note the results of the public consultation To approve final draft the revised policy	Executive Director for Assurance
Annual Health, Safety & Wellbeing Report	To note the H&S and wellbeing performance 2023/24 To note the updated activities to achieve Council HS&W priorities To set the Council’s HS&W priorities for the subsequent 2 years	Director, Public Health & Prevention

Safety, Health and Wellbeing Updates (if any)	Significant Policy Changes Escalation from Corporate Health and Safety Forum	Director, Public Health & Prevention
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