

MEETING

LICENSING COMMITTEE

DATE AND TIME

THURSDAY 7TH JULY, 2016

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF LICENSING COMMITTEE (Quorum 3)

Chairman: Councillor John Hart BA (Hons) MA
Vice Chairman: Councillor Brian Salinger

Maureen Braun
Claire Farrier
Zakia Zubari

Alison Cornelius
Agnes Slocombe
Jack Cohen

Wendy Prentice
Jim Tierney
Kitty Lyons

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 4 July 2016. Requests must be submitted to Jan Natynczyk jan.natynczyk@barnet.gov.uk 020 8359 5129

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

Andrew Charlwood – Head of Governance

Governance Service contact: Jan Natynczyk jan.natynczyk@barnet.gov.uk 020 8359 5129

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes	1 - 4
2.	Absence of Members	
3.	Disclosable Pecuniary interests and Non Pecuniary interests	
4.	Report of the Monitoring Officer (if any)	
5.	Public Question and Comment (if any)	
6.	Street Trading Designation	5 - 14
7.	Advertising Board Trial Review	15 - 24
8.	Licensing Authority - Volumes of workflow	25 - 32
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10.	Any item(s) that the Chairman decides is urgent	

FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone Jan Natynczyk jan.natynczyk@barnet.gov.uk 020 8359 5129. People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

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Decisions of the Licensing Committee

23 November 2015

Members Present:-

AGENDA ITEM 1

Councillor John Hart (Chairman)
Councillor Brian Salinger (Vice-Chairman)

Councillor Claire Farrier	Councillor Agnes Slocombe
Councillor Wendy Prentice	Councillor Jim Tierney
Councillor Hugh Rayner	Councillor Zakia Zubairi

Apologies for Absence

Councillor Maureen Braun	Councillor Kitty Lyons
Councillor Alison Cornelius	

1. MINUTES

The minutes of the meeting held on 20 July, 2015 were agreed as a correct record and signed by the Chairman.

2. ABSENCE OF MEMBERS

Councillors Maureen Braun, Alison Cornelius and Kitty Lyons had sent their apologies. It was also noted that Councillor Rayner would be late due to attending an urgent School Governing Body meeting.

3. DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

There was not a report.

5. PUBLIC QUESTION AND COMMENT (IF ANY)

None.

6. REVIEW OF CURRENT GAMBLING POLICY

Councillor Zubairi arrived at 7.15pm, whilst this matter was under discussion.

Councillor Rayner was not present for this item, arriving at 7.20pm, as the matter concluded.

The Committee received the Officer's report.

The Committee received the Officer's report.

Members were concerned about the quality of the map on page 21 of the agenda and requested that this be rectified when maps are submitted to future meetings.

RESOLVED that

1. **The findings from the consultation document, Appendix 1, be noted;**
2. **The Gambling Policy, as detailed at Appendix 2, be approved subject to:**
 - **The numbering at page 22 being amended, as point 1.7 is currently missing;**
 - **It being noted that this Committee has delegated powers to approve the policy and that it is not necessary for Full Council do so (as incorrectly stated, page 22, point 1.7). Also, to note that the Policy will take effect from 13 January, 2016;**
 - **11.2.1 on page 47, being amended to make it clearer, specifically with regard to the definition of family entertainment.**

7. SCRAP METAL DEALERS POLICY

The Committee received the Officer's report.

With regard to page 68 of the report, point 5.6.2, it was noted that the word "tiht" should be replace with the word "with".

RESOLVED that

1. **The findings form the consultation document, as detailed at Appendix 1, be noted;**
2. **The Scrap Metal Dealers Policy, as detailed at Appendix 2, be approved.**

8. LICENSING AUTHORITY - ANNUAL REPORT ON LICENSING APPLICATIONS.

The Committee received the Officer's report.

Members requested that Councillors who sit on Sub-Committees that result in an appeal, be informed of the outcome.

RESOLVED that

1. **The annual report of applications into the licensing department in relation to applications for 2014/15 be noted;**
2. **The current template and information provided be approved.**

9. ANY ITEM(S) THAT THE CHAIRMAN DECIDES IS URGENT

None.

CHAIRMAN'S ANNOUNCEMENTS

The Chairman thanked Officers for their work in making successes of the street markets in Edgware and Mill Hill and also noted that a report on 'A' Boards would be submitted to the next meeting.

The Vice-Chairman thanked the Chairman, on behalf of the Committee, for his conduct of the meeting during this year.

The meeting finished at 7.40pm

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	<p>Licensing Committee 7th July 2016</p>
<p>Title</p>	<p>Street Trading Designation</p>
<p>Report of</p>	<p>Commissioning Director for Environment</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Enclosures</p>	<p>Appendix 1 – List of areas identified for consultation on street trading designation Appendix 2 – Proposed fee for designation</p>
<p>Officer Contact Details</p>	<p>Emma Phasey Trading Standards and Licensing Manager Emma.phasey@barnet.gov.uk</p>

Summary

In November 2014 a new street trading strategy was agreed. This report seeks approval by the Committee to implement the final step of the strategy in relation to the designation of streets in which street trading will be permitted and a simpler approach to licensing.

Recommendations

That the Committee:

- A. Note the list of premises that wish to be considered for designation and approve the commencement of the consultation with immediate effect.**
- B. Delegate to the licensing sub-committee authority to approve areas for designation**

C. Consult on the revised fees for street trading at Appendix 2

1. WHY THIS REPORT IS NEEDED

- 1.1 The London Local Authorities Act 1990 as amended allows for any street to be designated.
- 1.2 The existing approach is to issue a temporary licence to a trader for a period of 6 months for the pitch they wish to operate. This is then renewed every six months. Designating licence streets will facilitate the application of permanent licences where it is considered it is appropriate to carry out street trading.
- 1.3 Following the decision of the Licensing Committee to designate streets in which street trading will be allowed, it is now necessary to designate existing streets where street trading currently takes place. Appendix 1 is a list of streets that will be part of the initial designation.
- 1.4 The initial designations will be undertaken free of charge. Moving forward a fee needs to be set to be able to undertake this process. This report seeks to consult on a proposed fee for this.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The recommendations implement the decision of the Licensing Committee on 24th November 2014 and 19th March 2015.
- 2.2 The streets listed in Appendix 1 are those where street trading already takes place.
- 2.3 By designating the decision making to the Licensing Sub-Committee this will enable quicker decisions on designation of streets in response to requests from traders and is consistent with the approach used for licence applications.
- 2.4 The fee has been set on a cost recovery basis.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 To not make any designations would be contrary to the decision of the Licensing Committee on 19th March 2015 and so is not recommended.
- 3.2 Authority to designate streets could remain with the Licensing Committee only, but is not recommended as the committee only meets twice per year and so would cause significant delay in any new designations being approved.
- 3.3 To not consult on a fee would mean that designations would not be offered to any future traders.

4. POST DECISION IMPLEMENTATION

Consultation - Designation

- 4.1 An initial consultation will be carried out with relevant parties in relation to the streets to be designated in Appendix 1. This will include formal consultation with the Highways Department, Transport for London and the Police. It will also include placing a newspaper advertisement in the local paper.
- 4.2 At the end of the consultation a report will be submitted to a licensing sub-committee to pass a resolution to designate streets, or to refuse any designations, as appropriate. At present the authority to do this sits with the Licensing Committee. However this is not in line with other such licensing decisions, such as the grant of a premises licence under Licensing Act 2003. The authority to decide premises licences sits with the Licensing Sub-Committee and due to the similar nature of these requests it would also be the appropriate decision maker for designation of streets. Meetings can then be organised on an ad hoc basis as the requests are received, rather than waiting for the next Licensing Committee meeting.
- 4.3 Once a street has been designated, temporary licences will be restricted in that street to only be issued on one occasion (i.e. for a period up to 6 months) unless there are exceptional circumstances as determined by the relevant Head of Service, in which case one further temporary licence may be issued.
- 4.4 An example of such exceptional circumstances would be where concerns have been raised in relation to the licence and a longer trial period is needed to assess the suitability of a licence. Once a temporary licence expires the trader must either apply for a designated pitch to street trade or else cease street trading.
- 4.5 In streets which are not designated, temporary licences will still be permitted, however that these can only be applied for twice (i.e. for a period up to twelve months). After this time the trader must cease trading or else request designation of the street in which they trade.

Fees

- 4.6 There is no fee currently set for designation of streets. The cost of designation of existing areas used for street trading will be borne by the council. The initial designation of streets will relate to those where traders have held a street trading licence for more than six months without any recent compliance or nuisance issues arising.
- 4.7 Moving forward a fee will need to be set for this process. The proposed fee can be found in Appendix 2. The new fee is set on a cost recovery basis.
- 4.8 A consultation must take place on proposed changes to street trading fees. A period of 28 days is allowed for any party to make representations. All traders will be advised in writing of the proposed changes. After a period of 28 days, any representations will be considered before the fees can take effect. These proposed fees will be put before the Licensing Committee at the meeting in November 2016.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 Street trading supports objectives contained within the Corporate Plan. In particular, in relation to “maintaining the right environment for a strong and diverse local economy” as street trading can contribute to the economic, cultural, environmental and social wellbeing of the borough.
- 5.1.2 Street trading also supports the Sustainable Community Strategy 2010-2020 in relation to helping create a successful London Suburb as street trading supports enterprise within the London Borough of Barnet.

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

- 5.2.1 Administration and enforcement of street trading will be carried out by the Licensing team in Re, together with support from HB Public Law and from Governance Services, when arranging and co-ordinating arrangements for hearings in relation to Permanent Pitches.
- 5.2.2 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.

5.3 Legal and Constitutional References

- 5.3.1 The London Local Authorities Act 1990 provides for Authorities to license street trading.
- 5.3.2 Section 24 of the London Local Authorities Act 1990 (as amended) (“the Act”) deals with the Designation of Licence Streets. Section 27(4) and 32(8) sets out how a local authority should consult.
- 5.3.6 Annex A To Responsibility for Council Functions - Membership and Terms of Reference of Committees and Partnership Boards, details the functions of the Licensing Committee, which includes street trading

5.4 Risk Management

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

5.5 Equalities and Diversity

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

- 5.5.2 When considering street trading applications, only issues provided for in the London Local Authority Act 1990 (as amended), in addition to the authority's street trading policy will be taken into account. This will ensure a consistent approach is adopted. Under the terms of the policy, every application will be considered on its own merits.
- 5.5.3 An initial equalities impact assessment has been completed and there is no identified impact on any of the groups with protected characteristics. Therefore a full impact assessment is not required.

5.6 Consultation and Engagement

- 5.6.1 In relation to changes to the proposed designation a consultation must take place. The Council have notice requirements under the Act which allows a period of 28 days for representations to be made, which the Council will consider.
- 5.6.2 In relation to changes to the proposed fees a consultation must take place. The Council have notice requirements under the Act which allows a period of 28 days for representations to be made, which the Council will consider.

6. BACKGROUND PAPERS

- Licensing Committee Report on 24th November 2014 adopting a new street trading regime
- Licensing Committee Report on 19th March 2015 agreeing to designate streets for street trading
- Licensing Committee Report on 20th July 2015 approving the current street trading policy

Appendix 1 – List of areas identified for consultation on street trading designation

Premises	Addresses	Area
Aroma Supermarket	276 East Barnet Road, EN4 8TD	EN4
Ludo's Café	3 Cat Hill EN4 8HG	EN4
Greenhill Greengrocer	24 Greenhill Parade, EN5	EN5
Metropolis Motorcycles	3 Greenhill Parade, EN5 1ES	EN5
The Little Coffee Shop	2 Exchange Buildings High Street Barnet EN5 5SY	EN5
Baskin Robbins	169 Station Road, HA8 7JX	HA8
Burnt Oak News Stall	opp Burnt Oak Station HA8 0LA	HA8
Good For You	305 Hale Lane HA8	HA8
MA Wash & Vac	291 Hale Lane HA8 7AX	HA8
Starbucks Coffee	81-83 Station Road, Edgware	HA8
Trio Café	191 Station Road HA8 7JX	HA8
Afghan Market	779 High Road N12 8JY	N12
All Mobility	872 High Road, N12	N12
ARI Food Centre	16-19 Grand Arcade, N12	N12
Greggs	720 High Road N12 9QD	N12
Il Funghetto	368 -372 Ballards Lane N12 0EE	N12
McDonalds	772-774 High Road, N12	N12
Seville's Bakery	864 High Road, N12 9RH	N12
Shoe Zone	720 High Road N12 9QG	N12
Starbucks Coffee	811 High Road,	N12
Dolce Coffee Shop	9 Hampden Square N14 5JP	N14
Costa Coffee	62-64 High Road, N2 9PN	N2
Margot Bakery Ltd	121 East End Road London N2 0SZ	N2
New Local Cafe	New Local Cafe 42 High Road London N2 9PJ	N2
Onur Food & Wine	222 High Road, N2 9AY	N2
Tony's Continental	140 High Road N2 9ED	N2
Al Fresco	1327 High Road, N20 9HR	N20
Ambra Pasta	1358 High Road N20 9HJ	N20
Cocorico	1314-1316 High Road, N20 9HJ	N20
Haven	1363 High Road London N20 9LN	N20
Hudsons Brasserie	1357-1359 High Road N20	N20
Olivers Fish Bar	1366-1368 High Road, N20 9HJ	N20
Sofalino	1390 High Road, N20	N20
TooTooMoo	1371 High Road N20 9LN	N20
Waitrose	1305 High Road, N20 9HX	N20
Diamond Carpets	146 Ballards Lane N3 2PA	N3

Dicle International Food Centre	151-153 Ballards Lane N3 1LJ	N3
Greggs	25 Ballards Lane, N3 1XP	N3
Mega Food Centre	177-181 Ballards Lane N3 1LP	N3
Regent's Café	209 Regent's Park Road N3 3LD	N3
TST Foods Ltd	56 Ballards Lane, N3 2BU	N3
Buy 2 Save	24-26 Golders Green Road NW11 8LL	NW11
Costa Coffee	27 Temple Fortune Parade, NW11 0QX	NW11
Daniel's Bagel Bakery	12-14 Hallswelle Parade, NW11 0DL	NW11
Delisserie	1 - 4 Belmont Parade Finchley Road London NW11 6XP	NW11
Fabs Food & Wine	1027 Finchley Road, London, NW11 7ES	NW11
Gail's	30 Temple Fortune Parade, NW11 0QX	NW11
Golders Green International	107 Golders Green Road, NW11	NW11
Likya	68-70 Golders Green Road NW11 8LN	NW11
Shutlers	7-8 Temple Fortune Parade NW11 0QN	NW11
Starbucks	31 Temple Fortune Parade,	NW11
The Rose Supermarket	36 The Market Place, NW11 6JP	NW11
Value for Money	66 Golders Green Road NW11 8LN	NW11
Ashley Food and Wine	178 Cricklewood Broadway, NW2 3EB	NW2
Ginger Polish Restaurant	174 Cricklewood Lane, NW2 2DX	NW2
McDonalds	136-140 Cricklewood Broadway, London, NW2 3EE	NW2
Miss Jumerirah	166 Cricklewood Lane NW2 2DX	NW2
Taste House	South Brent Shopping Park NW2 1LS	NW2
Bagel Bar	84 Brent Street, NW4 2ES	NW4
Carpe Diem	37 Vivian Avenue	NW4
Good For You	114 Brent Street NW4	NW4
Good For You	124 Brent Street NW4	NW4
Good For You	128 Brent Street NW4	NW4
Money Saver Pound Plus	9 Watford Way London NW4 3JL	NW4
Broadway News Food & Wine	89 The Broadway NW7 3TG	NW7
Costa Coffee	19 The Broadway, NW7 3LN	NW7

Hill Food & Wine	11 Salcombe Gardens NW7 2NU	NW7
Pound Plus Store Ltd	56 The Broadway, NW7 3TE	NW7
Prezzo	97-101 The Broadway, NW7 3TG	NW7
Silver Service Café	16 Bittacy Hill NW7 1HY	NW7
Café Anglais	1-2 Sheaveshill parade, NW9 6RS	NW9
Plane Tree Café	1 Colin Parade NW9 6SG	NW9

Appendix 2 – Proposed fee for designation

Activity	Proposed Fee
Application to designate an area for street trading	£150 per application

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	<p>AGENDA ITEM 7</p> <p>Licensing Committee 7th July 2016</p>
<p>Title</p>	<p>Advertising Board Trial Review</p>
<p>Report of</p>	<p>Commissioning Director for Environment</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Enclosures</p>	<p>Appendix 1 – Guidelines</p>
<p>Officer Contact Details</p>	<p>Michelle Rudland Team Leader Michelle.Rudland@barnet.gov.uk</p>

Summary

In March 2015 the Licensing Committee agreed that a 6 month trial be undertaken to assess the appropriateness of implementing A Board licences to traders within the borough. This report seeks to provide a narrative to this trial and outlines the results.

- Recommendations**
1. That the Committee review and note the findings from the trial
 2. That the Committee approve the Licensing Department to continue to licence advertising boards on the street.

1. WHY THIS REPORT IS NEEDED

- 1.1 At the Licensing Committee on 19th March 2015 the Committee resolved to allow a 6 months trial to assess the effectiveness/appropriateness of the licensing of A Boards throughout the London Borough of Barnet.
- 1.2 The trial has now been undertaken. The results have been compiled and the success in the North Finchley area is particularly highlighted in this report.

1.3 'A' Board Trial

- 1.3.1 In 2008 the Council adopted a zero tolerance policy in relation to advertising/"A" boards. It was considered that "A" boards street clutter and has a negative effect on the area. However many traders see "A" board advertisements as a cheap and effective way of promoting their business. In many cases they want to place the "A" board either within their licenced street trading area, or else in another location where there is ample public footpath. "A" boards can be well constructed and maintained and rather than having a negative impact on the area, in many cases they blend in, if they are appropriately styled for the street they are placed on.
- 1.3.2 A trial was agreed allowing "A" boards to be placed within a street trading pitch and to licence such advertising boards on other areas of the public highway under Section 115 of the Highways Act 1980.
- 1.3.3 Conditions have been imposed on the licences. A copy of the guidance given to traders can be found in Appendix 1. The A Board must be placed so as to leave at least 2 metres of clear public footpath around them. In addition the "A" board must also be in-keeping with the area it was placed in, etc.
- 1.3.4 A fee of £140 per A Board licensed has been charged for those who sought only to permit the displaying of the A Board(s) on the Public Highway. For those businesses wishing to apply for a street trading licence enabling either display of goods for sale, or the using of tables and chairs on the public highway have been permitted to display A Boards which comply to the same standards as a standalone A board licence. within their identified trading area with no additional fee to their street trading licence fee has been permitted.

1.4 North Finchley

- 1.4.1 North Finchley was chosen as a focus for the trial for implementation of the A Board Licences due to the high number of A boards being displayed on the streets. At the start of the trial it was found that North Finchley High Road N12 had a total of 56 stores displaying 1 or more boards on the public footway.



1.4.2 All of the businesses identified were contacted in writing and provided with an application pack that included:

- Information about the A Board Licensing trial,
- Details of what documentation would be needed to make a successful application (public liability documents, photo of the A Board(s) being displayed)
- Guidance on how to draw the plans needed to identify the location on the street that the A board(s) would be displayed
- Information in relation to the conditions that would be attached to their licence should it be granted by the licensing department.



- Information of the £140 per A Board fee that would have to accompany all applications.
- 1.4.3 The area was revisited by officers several times and it was apparent that the majority of those that had received the application pack had decided to remove their boards rather than apply for the licence
- 1.4.4 There were stores that has refused to apply for the licence or to remove their boards from the highway. Warning letters were then issued to these premises and the majority of the traders decided to comply and removed their A Boards from the Public Highway.
- 1.4.5 Five business managers/owners have been invited to attend an interview under caution due to refusing to obtain a licence or remove their A boards. As a result of this, to date one trader has attended an interview and has subsequently applied for a licence. One trader has refused to attend the interview and continues to display his/her board on the highway. Due to this non-compliance, further enforcement action will be taken in this case
- 1.4.6 Ten stores on the High Road N12 have either submitted applications which are being processed by the licensing department or have obtained the required licence.



1.4.7 Following the success of the trial, permission is sought to adopt the licensing regime as a permanent one thereby allowing the Licensing Department to grant A Board Licences for a period of up to one year.

1.4.8 By licensing these for 1 year the administrative cost would be no more than that for 6 months. The cost of the A Board licence would not need to be increased.

2. REASONS FOR RECOMMENDATIONS

2.1 The results indicate that the A Board Licence trial has resulted in the North Finchley High Road being considerably less cluttered. There are fewer obstructions/dangers on the public highway as the A boards that are being displayed are of a checked and approved by the licensing department

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 The Committee could choose to maintain the current zero tolerance policy in relation to A boards. However there is a demand by local traders for this type of low cost advertisement and so many traders will continue to place A boards on the footway illegally.

4. POST DECISION IMPLEMENTATION

4.1 Should the Committee make these recommendations then these decisions were take immediate effect.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 Street trading and street advertising supports objectives contained within the Corporate Plan. In particular, in relation to “maintaining the right environment for a strong and diverse local economy” as street trading can contribute to the economic, cultural, environmental and social well being of the borough.
- 5.1.2 Street trading and street advertising also supports the Sustainable Community Strategy 2010-2020 in relation to helping create a successful London Suburb as street trading supports enterprise within the London Borough of Barnet.

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

- 5.2.1 Administration and enforcement of street trading will be carried out by the Licensing team, together with support from Legal Services and from Governance Services, when arranging and co-ordinating arrangements for hearings in relation to Permanent Pitches.
- 5.2.2 The current fees were set in 2014 and reviewed in 2016. 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.

5.3 Legal and Constitutional References

- 5.3.1 There are a number of provisions under the Highways Act 1980 dealing with obstruction of the highway. Section 137 creates an offence of wilfully obstructing free passage along a highway. This is punishable with a fine of up to £1000. Under Section 161 of the Act it is an offence to deposit anything on the highway as a consequence of which a user of the highway is injured or endangered. This is punishable with a fine of up to £1000. Section 130 of The Act imposes a duty on the Highway Authority, to protect the highway from unauthorised obstruction.
- 5.3.2 By virtue of Section 115 (e) the Council as a Highway Authority may issue a licence for goods to be displayed on the public highway. Notices must be displayed at or near the position to which the proposal relates. The permission cannot be granted until the Council has considered all the representations made. Consents must be sought from those with an interest in the land and the highway authority and the local planning authority must be consulted.
- 5.3.3 The London Local Authorities Act 1990 provides for Authorities to license street trading.
- 5.3.3 Annex A To Responsibility for Council Functions- Membership and Terms of Reference of Committees and Partnership Boards”, details the functions of the Licensing Committee which includes street trading

5.4 Risk Management

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

5.5 Equalities and Diversity

- 5.5.1 The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.
- 5.5.2 When considering licensing applications, only issues provided for in the London Local Authority Act 1990 (as amended) and the Highways Act 1980, in addition to the authority's policy will be taken into account. This will ensure a consistent approach is adopted. Under the terms of the policy, every application will be considered on its own merits.
- 5.5.3 An initial equalities impact assessment has been completed and there is no identified impact on any of the groups with protected characteristics. Therefore a full impact assessment is not required.

5.6 Consultation and Engagement

- 5.6.1 In relation to changes to fees, conditions and policy a consultation must take place as detailed elsewhere in this report.
- 5.6.2 The Council have notice requirements under the Act which allow a period of 28 days for representations to be made which the Council will consider.

6. BACKGROUND PAPERS

None

Appendix 1 - Guidance on Licensing of advertising Boards

The following criteria must be met before the grant of a licence can be considered:

1. The board must be of sufficient contrast to its surrounding area.
2. Any board must not be more than 0.5m wide or be more than 1.5m tall
3. The board must be sufficiently stable so as not to blow over or be easily moved
4. 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.
5. The board must not be fixed to the highway or any furniture on the highway.
6. The board must be located in a suitable and agreed position.
7. 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.
8. The advertisement information on the board does not contain any material or information that could cause offence.
9. The A board must be removed from the public highway when the premises which holds the licence is closed and between 23:00 and 07:00.
10. There must be adequate storage facilities provided for the a board to be placed in between these times
11. The boards should not cause a nuisance or hazard to persons using the highway or any adjacent land or premises.

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.

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AGENDA ITEM 8

	<p>Licensing Committee 7th July 2016</p>
<p>Title</p>	<p>Licensing Authority - Volumes of workflow</p>
<p>Report of</p>	<p>Commissioning Director for Environment</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Enclosures</p>	<p>Appendix 1 – Report on the work of the Licensing Authority.</p>
<p>Officer Contact Details</p>	<p>Emma Phasey Group Manager Community Protection (Regulation) Emma.phasey@barnet.gov.uk</p>

Summary

This report is provides Members with a summary of the volume of work that the London Borough of Barnet, as a Licensing Authority has dealt with in the financial year 2015-16.

Recommendations

That the Licensing Committee consider and note the report.

1. WHY THIS REPORT IS NEEDED

- 1.1 Under the Licensing Act 2003 the Council is the 'Licensing Authority' for licensing the sale of alcohol, the provision of regulated entertainment and late night refreshment in pubs, off-licences, clubs and restaurants in the Borough. There are currently 968 licensed premises within the London Borough of Barnet.
- 1.2 Under the Gambling Act 2005 the Council is the 'Licensing Authority' for gambling premises in the Borough. The Council has a number of important regulatory functions in relation to gambling. These include licensing premises, regulating gaming and gaming machines in clubs, granting permits to what the Guidance refers to as 'family entertainment centres' for the use of certain lower stake gaming machines, regulating gaming and gaming machines on alcohol licensed premises, granting permits for prize gaming, and registering small society lotteries.1.3 There are currently 58 gambling premise licences in the borough.
- 1.4 Provided for the information of the Committee and attached at Appendix 1 is information on the volumes of work undertaken in relation to applications by the Licensing Authority in 2015-2016.

2. REASONS FOR RECOMMENDATIONS

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

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 None

4. POST DECISION IMPLEMENTATION

- 4.1 The report is for noting only.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

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

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

5.2.1 There are no specific financial implications. Administration and enforcement is carried out by the Licensing team in Re, together with support from HB Public Law and from Governance Services, when arranging and co-ordinating arrangements for hearings.

5.2.2 A comparison of the work flow for the past four years shows that the volume of work again remains fairly static.

5.2.3 The data indicates that there has been a reduction in the number of sub committees meetings, with 10 of the hearings being cancelled or withdrawn. (This usually happens when the applicant and the representees agree conditions prior to the hearing, or where the applicant withdraws the application.)

5.2.4 There have been 2 appeals made in relation to subcommittee hearings. One was made in relation to the grounds used for a review and the other challenged the decision. After long negotiations with the parties it was decided to renegotiate the conditions and hours whilst awaiting the appeal to be heard and these were accepted by the Licensing Authority and a consent order was agreed to substitute the new hours and conditions for the previous decision. There have been no further issues with either premises.

5.3 Legal and Constitutional References

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

5.4 Risk Management

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

5.5 Equalities and Diversity

- 5.5.1 The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.
- 5.5.2 When considering applications, only issues provided for in the relevant legislation, in addition to the authority's policy will be taken into account. This will ensure a consistent approach is adopted. Under the terms of the policy, every application will be considered on its own merits.

5.6 Consultation and Engagement

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

6. BACKGROUND PAPERS

None

Appendix 1

Report on the work of the Licensing Authority.

The Licensing team received the following applications in the past 4 years:

Premises licences (Licensing Act):

	Apr – Mar 2012	Apr –Mar 2013	Apr – Mar 2014	Oct 2014 – Sept 2015	Apr – Mar 2016
NEW PREMISES LICENCES	54	50	54	55	49
VARIATIONS TO PREMISES LICENCE	14	21	15	19	15
TRANSFER OF PREMISES LICENCE	59	55	55	53	56
DPS VARIATION	154	120	155	153	159
MINOR VARIATION	16	15	25	19	16
DUPLICATE/CHANG E OF DETAILS	50	35	32	50	84
NOTIFICATION OF INTEREST	6	8	7	2	2
REVIEW	3	4	6	3	3

Temporary Events:

	Apr –Mar 2012	Apr – Mar 2013	Apr – Mar 2014	Oct 2014 – Sept 2015	Apr – Mar 2016
TENS	50 0	542	478	453	441

Personal Licences (Licensing Act)

	Apr –Mar 2012	Apr –Mar 2013	Apr – Mar 2014	Oct 2014 – Sept 2015	Apr – Mar 2016
NEW PERSONAL LICENCES	263	235	270	286	279
CHANGE ADDRESS/DETAILS PERSONAL LICENCE	51	61	94	114	152
DUPLICATE	20	29	14	(included in above figure)	(included in above figure)

Premises Licences (Gambling Act):

	Apr –Mar 2012	Apr –Mar 2013	Apr – Mar 2014	Oct 2014 – Sept 2015	Apr – Mar 2016
NEW PREMISES LICENCE	4	3	4	0	3
VARIATION	4	3	3	0	0
TRANSFER	3	1	0		0
PROVISIONAL STATEMENTS	0	0	0	0	0
CHANGE ADDRESS/DETAILS	0	0	6	2	2

Other applications:

	Apr –Mar 2012	Apr –Mar 2013	Apr – Mar 2014	Oct 2014 – Sept 2015	Apr – Mar 2016
FIREWORKS STORAGE LICENCE	No data recorded	No data recorded	No data recorded	No data recorded	39
FIREWORKS ALL YEAR LICENCE	4	3	3	3	3
SCRAP METAL	No data recorded	No data recorded	23	13	2
FILM CLASSIFICATION	No data recorded	No data recorded	No data recorded	No data recorded	12

Hearings

In 2015-2016 the 20 following Licensing hearings have taken place:

- 3 review hearings
- 6 new premises licence applications (1 withdrawn)
- 3 TEN (2 cancelled)
- 5 variations (2 cancelled)
- 2 DPS variation (1 cancelled)
- 1 transfer (1 cancelled)

In 2014-2015 the 30 following Licensing hearings have taken place:

- 4 review hearings
- 1 expedited review hearing
- 12 new premises licence applications

- (5 withdrawn or cancelled 1 postponed)
- 5 TEN
- (3 withdrawn)
- 7 variations
- 1 transfer

In 2013-2014 there were a total of 41 applications referred to sub-committee:

- 25 Licensing Act
- Gambling Act
- Review
- Film classification
- 11 withdrawn/cancelled

In 2012-2013 there were 24 hearings:

- 19 Licensing Act applications
- 4 reviews
- 1 Gambling Act application

In 2012-2013 there were 14 hearings:

- 11 Licensing application
- 3 reviews

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	<p>Licensing Committee</p> <p>7 July 2016</p>
<p>Title</p>	<p>Licensing Committee Work Programme</p>
<p>Report of</p>	<p>Head of Governance</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Enclosures</p>	<p>Appendix A - Committee Work Programme 2016/17</p>
<p>Officer Contact Details</p>	<p>Jan.natynczyk@barnet.gov.uk, 0208 359 5129</p>

Summary

The Committee is requested to consider and comment on the items included in the 2016/17 work programme

Recommendation

That the Committee consider and comment on the items included in the 2016/17 work programme

1. WHY THIS REPORT IS NEEDED

- 1.1 The Licensing Committee Work Programme 2016/17 indicates forthcoming items of business.
- 1.2 The work programme of this Committee is intended to be a responsive tool, which will be updated on a rolling basis following each meeting, for the inclusion of areas which may arise through the course of the year.
- 1.3 The Committee is empowered to agree its priorities and determine its own schedule of work within the programme.

2. REASONS FOR RECOMMENDATIONS

- 2.1 There are no specific recommendations in the report. The Committee is empowered to agree its priorities and determine its own schedule of work within the programme.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 N/A

4. POST DECISION IMPLEMENTATION

- 4.1 Any alterations made by the Committee to its Work Programme will be published on the Council's website.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Committee Work Programme is in accordance with the Council's strategic objectives and priorities as stated in the Corporate Plan.

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

- 5.2.1 None in the context of this report.

5.3 Legal and Constitutional References

- 5.3.1 The Terms of Reference of the Licensing Committee are set out in the Constitution, Responsibility for Functions, Annex A.

5.4 Risk Management

5.4.1 None in the context of this report.

5.5 Equalities and Diversity

5.5.1 None in the context of this report.

5.6 Consultation and Engagement

5.6.1 None in the context of this report.

6. BACKGROUND PAPERS

6.1 None

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**London Borough of Barnet
Licensing Work Programme
May 2016 – May 2017**

Contact: Jan Natynczyk 020 8359 5129 Email: jan.natynczyk@barnet.gov.uk

Title of Report	Overview of decision	Report Of (<i>officer</i>)	Issue Type (Non key/Key/Urgent)
21 November 2015			
Annual Report	For Approval	Commissioning Director Environment	key