

	<p>Licensing Committee 23rd November 2015</p>
<p>Title</p>	<p>Licensing Authority – Annual Report on licensing applications.</p>
<p>Report of</p>	<p>Commissioning Director for Environment</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Urgent</p>	<p>No</p>
<p>Key</p>	<p>No</p>
<p>Enclosures</p>	<p>Appendix 1 – Volumes of workflow</p>
<p>Officer Contact Details</p>	<p>Emma Phasey Group Manager Community Protection (Regulation) Emma.phasey@barnet.gov.uk</p>

<p>Summary</p>
<p>This annual report has been prepared following the request of the Chair of the Licensing Committee for the London Borough of Barnet to provide the committee with information on the volume of licensing applications, sub - committees and appeals. This report covers the period from October 2014 – September 2015.</p>

<p>Recommendations</p>
<p>1. That the Licensing Committee note and comment on the annual report of applications into the licensing department in relation to applications for 2014-2015.</p>
<p>1. That the Licensing Committee Confirm they are happy with the current template and information provided, and whether there is further information they would like provided</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 The Current and previous Chair of the Licensing Committee have requested an annual report on the volume of applications, sub committees and appeals received by the London Borough of Barnet.
- 1.2 The Licensing Act 2003 makes the Council the Licensing Authority for licensing the sale of alcohol, the provision of regulated entertainment and late night refreshment in pubs, off-licences, clubs and restaurants in the Borough. There are approximately 1141 licensed premises within the London Borough of Barnet.
- 1.3 The Gambling Act 2005 makes the Council the licensing authority for gambling premises in the Borough. The Council has a number of important regulatory functions in relation to gambling. These include licensing premises, regulating gaming and gaming machines in clubs, granting permits to what the Guidance refers to as 'family entertainment centres' for the use of certain lower stake gaming machines, regulating gaming and gaming machines on alcohol licensed premises, granting permits for prize gaming, and registering small society lotteries. There are currently 58 gambling premises licences in the borough.
- 1.4 Appendix provides the volumes of applications, sub committees and appeals undertaken in relation to applications by the Licensing Authority in 2014-2015.
- 1.5 A comparison of the work flow for the past four years shows that the volume of work again remains fairly static.
- 1.6 There has been a further decrease in the number of Temporary Event Notices (TENs) applied for. The reason for this is the various deregulations which now exist for regulated entertainment which has resulted in many events no longer requiring an authorisation.
- 1.7 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.)
- 1.8 There have been 3 appeals made in relation to subcommittee hearings. Two were made in relation to the grounds used for a review. One queried whether immigration offences fell under the "crime and disorder" licensing objective and the other whether food hygiene issues could fall under public safety. Both appeals were successfully defended - although the decision was altered in the former to allow the licence to continue, and the latter decision is being referred to the High Court. The third appeal related to the

decision. However the responsible authorities involved renegotiated 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.

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 The approach taken by the Licensing Authority in relation to applications fully support objectives contained within the corporate plan. In particular it promotes the London Borough of Barnet remaining one of “the safest places in London, with high levels of community cohesion, and residents feeling safe” It also supports the objective of “ effective working between the council and police driving further reduction in crime rates”

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

- 5.2.1 Administration and enforcement is carried out by the Licensing team in Re, together with support from HB Public Law and from Governance Services, when arranging and co-ordinating arrangements for hearings.
- 5.2.2 In relation to this report there are no financial implications beyond the licensing function being funded as part of the Re contract with Barnet council.

5.3 Social Value

- 5.3.1 Not relevant to this report

5.4 Legal and Constitutional References

- 5.4.1 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.

5.5 Risk Management

- 5.5.1 It is prudent to monitor performance to ensure that the Licensing function is delivered efficiently and effectively.
- 5.5.2 In particular it is important for the Licensing Authority to monitor the number of appeals made against decisions and the outcomes of these appeals. Low levels of appeals and instances of the Courts upholding the Licensing Authority's decisions are good indicators that the Licensing Authority is making legal and fair decisions within statutory timescales.
- 5.5.3 This performance report indicates that good consistent decisions are being made by Barnet as the Licensing Authority. There have only been 3 during this time, and the decision making of the London Borough of Barnet has not been criticized in any of these appeals.

5.6 Equalities and Diversity

- 5.6.1 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.
- 5.6.2 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.

5.7 Consultation and Engagement

- 5.7.1 The information contained within this report will be published on the Local Authority website so that residents and businesses can monitor the work that is processed by the service.
- 5.7.2 Further performance information is provided in the quarterly report provided through Regional Enterprise Ltd delivery contact

5.8 Insight

- 5.8.1 Not relevant to this report

6 BACKGROUND PAPERS

None

Appendix 1

Report on the work flows 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
NEW PREMISES LICENCES	54	50	54	55
VARIATIONS TO PREMISES LICENCE	14	21	15	19
TRANSFER OF PREMISES LICENCE	59	55	55	53
DPS VARIATION	154	120	15 5	153
MINOR VARIATION	16	15	25	19
DUPLICATE/CHANG E OF DETAILS	50	35	32	50
NOTIFICATION OF INTEREST	6	8	7	2
REVIEW	3	4	6	3

Temporary Events:

	Apr –Mar 2012	Apr – Mar 2013	Apr – Mar 2014	Oct 2014 – Sept 2015
TENS	500	542	478	453

Personal Licences (Licensing Act)

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

Premises Licences (Gambling Act):

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

Hearings

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

- 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

Attendance by Councillors:

COUNCILLORS	Sub Committees attended in past 12 months
SALINGER	8
HART	10
FARRIER	7
CORNELIUS	19
MARSHALL	6
BRAUN	8
ZUBAIRI	8
PRENTICE	3
LYONS	1
TIERNEY	10
HUTTON	7
SLOCOMBE	1

