



Licensing Committee

18 July 2019

Title	Licensing Authority – Annual Report on Licensing Applications
Report of	Executive Director for Environment
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	Appendix 1 – Volumes of workflow
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Summary

This report provides Members with a summary of the volume of work that the London Borough of Barnet, as a Licensing Authority has dealt with in the financial year April 2018 – March 2019.

Officers Recommendations

That the Licensing Committee note and comment on the annual report of applications received by the licensing department during the financial year 2018/2019

1. WHY THIS REPORT IS NEEDED

- 1.1 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 1100 licensed premises within the London Borough of Barnet.
- 1.2 The Gambling Act 2005 makes the Council the licensing authority for gambling premises in the Borough. The Council has a number of important regulatory functions in relation to gambling. These include licensing premises, 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 68 gambling premises licences in the borough.
- 1.3 The Licensing department process a number of other applications including:
 - Film classification,
 - Street trading,
 - Advertisement boards,
 - Scrap metal collectors,
 - Scrap metal sites,
 - Explosive storage licences (fireworks),
 - Licences to sell fireworks all year round,
 - Special treatments,
 - Animal feed registrations,
 - Animal welfare licences,
 - Sex establishment premises,
 - Sex entertainment venues.
- 1.4 The Appendix to this report provides further detail as to the volume of service requests made, applications, times the sub committee has sat and appeals made to the Magistrate's Court in respect of applications made to the Council in its capacity as the Licensing Authority in 2018-2019. It also details cases of note in this period.
- 1.5 The Council received 1,760 licensing applications in total during 2018-2019. When this figure is compared with the number of application made in previous years, it shows that the number of applications has remained fairly constant.
- 1.6 Gambling applications have remained static compared to last year, with only small numbers of applications.
- 1.7 Street trading applications have also remained fairly static.
- 1.8 Applications made under the Licensing Act 2003 have decreased marginally from 1,370 to 1,308. We have seen a reduction in applications for transfer of licences

and changes of DPS as well as in duplicate licences. However, the increase in 2017-2018 was likely to be the result of a project which involved visiting premises to ensure that the premises had not changed hands without the licence also being changed; this year, the levels of applications made have returned to normal.

- 1.9 We have had 4 appeals heard in 2018/2019. Three related to revocation of premises licences. These were successfully defended and costs were awarded to Council.
- 1.10 The other appeal related to a prosecution for displaying advertising “A” boards on the public highway without a licence. The appeal was successfully defended and costs were awarded to the London Borough of Barnet.

2. REASONS FOR RECOMMENDATIONS

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

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 None

4. POST DECISION IMPLEMENTATION

- 4.1 The report is for information and 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 supports objectives contained within the corporate plan. In particular it promotes delivering “Safe and strong communities where people get along” and “supporting local businesses to thrive.”

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

5.3 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.

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

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 in good time by Barnet as the Licensing Authority.

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 Corporate Parenting

5.7.1 Not applicable in the context of this report.

5.8 Consultation and Engagement

5.8.1 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.

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

5.9 **Insight**

5.9.1 Not relevant to this report

6. **BACKGROUND PAPERS**

6.1 None