



Licensing Committee

11 November 2019

Title	Proposed adoption of the Licensing Policy 2020-2025
Report of	Commissioning Director for Environment
Wards	All
Status	Public
Urgent	No
Key	Yes
Enclosures	Annex 1 – Proposed revised policy Appendix 2 – Summary of responses to the Consultation
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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 2015. This report relates to the outcome of the recent consultation in relation to a new policy to take effect in January 2020.

Officers Recommendations

1. For the proposed policy in Appendix 1 to be approved by the Committee
2. That the Committee recommend that this policy be adopted at the next full meeting of the Council

1. WHY THIS REPORT IS NEEDED

- 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 2015 therefore it must be reviewed before January 2020.
- 1.4 A consultation was undertaken on whether to adopt the Council's draft statement of licensing policy from 19th August 2019 until 11th October 2019. Information on this consultation can be found in paragraph 5.8. Two responses were received and can be found in Appendix 2. Amendments have been made to the draft policy as a result of the responses received. This is outlined in Appendix 2.
- 1.5 Following consideration of the responses in Appendix 2 it is recommended that the Licensing Committee adopt that proposed licensing policy.
- 1.6 This 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 REASONS FOR RECOMMENDATIONS

- 2.1 The local authority is required, under the Licensing Act 2003, to prepare and publish a statement of policy in relation to the exercise of its functions under the Act. This policy must be reviewed at least every 5 years therefore the policy must be reviewed before January 2020.

3 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The Committee could consider not consulting on the proposed policy, however the legislation states that the policy must be reviewed and consulted on before the 5 year period ends. This is January 2020 therefore there is no legal alternative.

4 POST DECISION IMPLEMENTATION

- 4.1 The Committee are being asked to recommend that the Policy be adopted at the next meeting of the full Council to come into effect in January 2020.

5 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 This review of licensing policy supports the corporate priority of “Safe and strong communities where people get along”.
- 5.1.2 The approach taken by the Licensing Authority in relation to applications fully supports objectives contained within the corporate plan. In particular it promotes delivering “quality services and striving to continually improve the standard of services”

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

- 5.2.1 Administration and enforcement of the Licensing 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 will be offset by income received within this service. There are no further cost implications in reviewing the licensing policy.
- 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 Social Value

- 5.3.1 The Licensing policy supports all three pillars of social value. It helps support the local economy and economic growth by encouraging well run, compliant businesses to the Borough. By strongly upholding the licensing objectives the policy positively impacts on the environment and contributes to a vibrant and healthy community.

5.4 Legal and Constitutional References

- 5.4.1 Pursuant to s.5 of the Licensing Act 2003, the licensing authority is required to determine its licensing policy in regard to the exercise of its licensing functions and publish the policy every 5 years from the date of publication of the previous licensing policy.
- 5.4.2 Before publishing the policy, 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) Licence holders of premises licences
 - (e) Holders of club premises certificates
 - (f) Personal licence holders and
 - (g) Businesses and residents within the London Borough of Barnet

- 5.4.3 Under the Licensing Act there are four statutory objectives to be met through licensing:
- (1) Protection Children from harm
 - (2) Prevention of nuisance
 - (3) Public Safety
 - (4) Prevention of crime and disorder

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

- 5.4.4 Section 5A of the Licensing Act 2003 states the Council as the licensing authority may publish a Cumulative Impact Assessment (“CIA”) and sets out the information required by that section. This may allow the licensing authority to 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 licenced premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.
- 5.4.5 Article 7 – Committees, Forums, Working Groups and Partnerships, of the Council’s Constitution states that the Licensing Committee is responsible for, “all policy matters relating to licensing with licencing hearings concerning all licencing matters delegated to sub-committees.”
- 5.4.6 Article 2 of the Council’s Constitution defines a key decision as one which will result in the Council incurring expenditure or savings of £500,000 or more, or is significant in terms of its effects on communities living or working in an area comprising two or more Wards.

5.5 Risk Management

- 5.5.1 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 burden to both the Local authority and to the trade is minimised.

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 relevant to this report.

5.8 Consultation and Engagement

5.8.1 The consultation document was sent to the all responsible authorities. It was also sent to councillors.

5.8.2 The consultation was also be published on London Borough of Barnet's online website and on the Engage Barnet portal.

5.8.3 A selection of licence holders were contacted in writing in relation to the proposed changes

5.8.4 All replies received have been taken into account

5.9 Insight

5.9.1 Not relevant to this report.

6 BACKGROUND PAPERS

Statutory Guidance issued under section 182 Licensing Act 2003 (April 2018)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

Licensing Act 2003