



Licensing Committee

7th November 2022

Title	Licensing Authority – Annual Report on Licensing Applications
Report of	Executive Director of Assurance
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	Appendix A – Volumes of work
Officer Contact Details	James Armitage Director of Regulatory Services James.Armitage@barnet.gov.uk 020 8359 3397

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 2021 (Calendar year).

Officers Recommendations

1. That the Licensing Committee note the annual report of applications received by the licensing department between April 2021 and March 2022

1. Why this report is needed

- 1.1 The Licensing Act 2003 makes the Council the Licensing Authority for the issue of licences relating to 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 1000 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, regulated 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 approximately 55 gambling premises licenced 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 applications, times the subcommittee has sat, appeals made to the Magistrates Court (in respect of applications made to the Council in its capacity as the Licensing Authority) and prosecution cases presented to the Magistrates Court by the licensing team in 2021/2022.
- 1.5 Between April 2020 – March 2021 the council received 908 applications due to the COVID-19 pandemic. The annual average number of applications received by the licensing team before this was 1605. Between April 2021 and March 2022, we received 1521 applications. This shows that the number of applications being submitted has almost returned to normal.
- 1.6 Numbers of temporary event notices received have dramatically reduced to 67, between April 2020 and March 2021 most likely due to people not holding events due to Covid-19. The average before the pandemic was 439 per year. The Licensing team have received 339 temporary event notices between April 2021 and March 2022 which shows that there has been a significant increase in number since the pandemic.

It is clear however that the numbers are not yet at pre pandemic levels and this may be due to some hesitancy exhibited by the public to hold temporary events.

- 1.7 Overall Gambling applications have remained static compared to last year, with only small numbers of applications.
- 1.8 Street trading applications have also remained fairly static overall. However, the new licences offered as a result of Covid-19 to encourage the use of the pavement at a discounted price have been very popular. 158 such licences have been applied for during this period.
- 1.9 We have had no appeals heard or made between April 2021 and March 2022.
- 1.10 Between April 2021 and March 2022, the Licensing Team have brought 15 applications to Licensing Sub-committees for determination. Of these 15 applications 14 were for Licensing Act 2003 cases and one was for a Special Treatment renewal application. A breakdown on the outcomes of these subcommittee hearing can be seen in Annex 1 – Volumes of work document.

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 This report is for information and noting only.

5. Implications of decision

5.1 Priorities and Performance

- 5.1.1 The approach taken by the Licensing Authority in relation to applications fully supports objectives and promotes:
 - Clean, safe and well run – by providing good quality, customer friendly services in all that we do
 - Thriving- by supporting local businesses to benefit from improved sustainable infrastructure & opportunities

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 the Governance Service, 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 Legal and Constitutional Reference

- 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.
- 5.3.2 Article 7 – Committees, Forums, Working Groups and Partnerships 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 Insight

- 5.4.1 Not relevant to this report

5.5 Social Value

- 5.5.1 Not relevant to this report

5.6 Risk Management

- 5.6.1 It is prudent to monitor performance to ensure that the Licensing function is delivered efficiently and effectively.
- 5.6.2 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.
- 5.6.3 This performance report indicates that good consistent decisions are being made in good time by Barnet as the Licensing Authority.

5.7 Equalities and Diversity

- 5.7.1 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.

5.8 Corporate Parenting

5.8.1 Consider whether the decision may have a direct or indirect impact on looked after children and care leavers. If there are likely impacts, provide details and what steps have been taken to mitigate them.}

5.8.2 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.

5.9 Consultation and Engagement

5.9.1 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.

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

5.10 Environmental Impact

5.10.1 There are no direct environmental implications from noting the report.

6. Background papers

6.1 [Licensing Act 2003](#)

6.2 [Gambling Act 2005](#)