



## Licensing & General Purposes Committee

<b>Title</b>	Review of Licensing Policy
<b>Date of meeting</b>	8 <sup>th</sup> February 2024
<b>Report of</b>	Executive Director of Assurance
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Appendices</b>	Appendix 1 – Proposed Revised Policy Appendix 2 – Summary of Changes
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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 2020. This report seeks approval from the Licensing & General Purposes Committee to authorise the licensing department to consult on the proposed revised policy.

### Recommendations

- 1. That the draft Licensing Policy be approved for consultation and that the Officers be instructed to report to the Licensing & General Purposes Committee November 2024 meeting on the outcome for recommendation to Council.**

#### **1. Reasons for the Recommendations**

- 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 2020 therefore it must be reviewed before January 2025.
- 1.4 Since April 2018, when determining or revising its licensing policy, an authority must consider any Cumulative Impact Assessments (CIA's) it has published. A licensing authority can publish a CIA to reduce the number of or types of applications granted in an area where there is evidence that the area is having a cumulative impact and causing problems which undermine the licensing objectives.
- 1.5 This Policy has a section related to CIA's and Cumulative Impact Zones (CIZ). This is a generic section outlining the impact of such a policy. Should the consultation in relation to the revised CIZ for Burnt Oak support this being adopted the area specified will be placed in an Annex to the main policy. This allows the CIZ to be reviewed, amended and removed without the need to change the main text in the policy. If the revised CIZ is not adopted the reference to Annex 3 will be removed and the policy will state that there are currently no CIZs within the Borough.
- 1.6 The 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. Alternative Options Considered and Not Recommended**

- 2.1 The Act states that the policy must be reviewed and consulted on before the 5 year period ends. The current policy expires in January 2025 and therefore there are no legal alternatives.

## **3. Post Decision Implementation**

- 3.1 The Licensing Team will be consulting on the proposed policy from 12<sup>th</sup> February 2024 for 12 weeks.

## **4. Corporate Priorities, Performance and Other Considerations**

### **Corporate Plan**

- 4.1 This review of licensing policy and the revision of the CIZ supports the Council's priority in caring for its people, its places and indeed the planet. In particular, in creating a more family friendly borough whilst becoming a borough of fun; a place to enjoy ourselves, where people can meet, experience arts, culture, events, sports and hobbies that reflect our diverse communities.

### **Corporate Performance / Outcome Measures**

- 4.2 No relevant to this report

### **Sustainability**

- 4.3 No sustainability issues arising from the recommendations.

### **Corporate Parenting**

- 4.4 Not relevant to this report.

### **Risk Management**

4.5 It is important that the Council 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.

**Insight**

4.6 Not relevant to this report

**Social Value**

4.7 Not relevant to this report

**5. Resource Implications (Finance and Value for Money, Procurement, Staffing, IT and Property)**

5.1 Administration and enforcement of the 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 is provided for in the fees received in relation to applications and annual fees. There are no further cost implications in reviewing the licensing policy.

5.2 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.

**6. Legal Implications and Constitution References**

6.1 Pursuant to s.5 of the Act, the licensing authority is required to determine its licensing policy in regard to the exercise of its licensing functions and publish the policy no later than every 5 years.

6.2 Before publishing the policy and in accordance with s.5 of the Act, 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) Persons it considers to be representatives of licence holders of premises licences;
- e) Persons it considers to be representatives of holders of club premises certificates;
- f) Persons it considers to be representatives of personal licence holders; and
- g) Such other persons it considers to be representatives of businesses and residents within the London Borough of Barnet.

6.3 Under the Licensing Act there are four statutory objectives to be met through licensing:

- a) Protection Children from harm
- b) Prevention of nuisance
- c) Public Safety
- d) Prevention of crime and disorder

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

6.4 Section 5A of the Licensing Act 2003 details the requirements for publishing a CIA.

6.5 In accordance with Article 3 of the Constitution, the Council is responsible for approving the policy framework and the Council and its Committees retain responsibility for regulatory

functions, which includes licensing. The policy framework includes plans and strategies required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), which includes the Statement of Licensing Policy.

- 6.6 Under Part 2B, paragraph 6.1.4 of the Constitution, the powers and duties of the Licensing and General Purposes Committee includes determining all matters and duties on the authority imposed by legislation, regulations, order, codes and similar provisions for all activities under the Licensing Acts.
- 6.7 In accordance with Part 3D, paragraph 8.1 of the Constitution, Budget and Policy Procedure Rules, a copy of any proposed plan or strategy which is part of the policy framework shall also be referred to the Overview and Scrutiny Committee in sufficient time for the proposals to be included in the agenda for a scheduled meeting of the Committee, and for the Committee to make a report or recommendations to the meeting of the Council that is to consider the plan or strategy concerned. The Council shall not agree a plan or strategy until the Overview and Scrutiny Committee has had the opportunity to consider the proposals, subject to the need for statutory deadlines to be met.

## **7. Consultation**

- 7.1 A full consultation will be undertaken in relation to this matter, in compliance with s.5 of the Act.
- 7.2 The consultation document will also be sent to all responsible authorities, councillors, persons it considers to be representatives of each type of current licence holders in our area. It will also be available for viewing on the Council website.
- 7.3 If approved by the Committee, the policy will be submitted for consultation with the parties identified above for a period of 12 weeks. All replies will be taken into account and the policy, revised as necessary, will be submitted to this Committee for final approval at its meeting in November 2024. The Committee will then be asked to recommend that the policy be adopted at the next meeting of the full Council before being published in January 2025.

## **8. Equalities and Diversity**

- 8.1 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.
- 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.

## **9. Background Papers**

- 9.1 Licensing Committee Meeting November 2019 – [Proposed adoption of the Licensing Policy 2020-2025](#)
- 9.2 [Statutory Guidance issued under section 182 Licensing Act 2003 \(August 2023\)](#)
- 9.3 [Licensing Act 2003](#)