
Meeting	Licensing Committee
Date	10 July 2013
Subject	Licensing Authority – volumes of applications 2012-2013
Report of	Director of Development and Regulatory Services
Summary	This is a report on the volumes of applications that have been received into the Licensing Department in 2012-2013 compared to 2011-2012

Officer Contributors	Emma Phasey - Trading Standards and Licensing Manager
Status (public or exempt)	Public
Wards Affected	All
Key Decision	No
Reason for urgency / exemption from call-in	Not Applicable
Function of	Council
Enclosures	Appendix 1 – Report on the work flow
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1. RECOMMENDATIONS

- 1.1 That the Licensing committee consider and note the following report on the volumes of work into the licensing department in relation to applications for 2012-2013.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Council decision of the 20th January 2011 to adopt the current Licensing Policy and the associated scheme of delegation.
- 2.2 Decision on 22 January 2013 by Council on recommendation of Licensing Committee, to adopt the current Gambling Policy and associated scheme of delegation.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 Timely legal and fair decisions support objectives contained within the Corporate Plan. In particular in relation to a “successful London suburb” by ensuring that only legal, well regulated licensable activity occurs within the borough.

4. RISK MANAGEMENT ISSUES

- 4.1 It is prudent to monitor performance to ensure that the Licensing function is delivered efficiently and effectively.
- 4.2 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 Authorities decisions are good indicators that the Licensing Authority is making made legal and fair decisions within statutory timescales

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The Council has a legal obligation 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.
- 5.2 When considering applications and representations, only issues provided for in the relevant legislation and associated Guidance, in addition to the licensing 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, regardless of the race, colour, nationality, ethnic origin, sex, marital status, disability or age of the individuals involved.

- 5.3 The community in Barnet has a richness of diversity with a broad range of cultural activities and entertainments. Applications will be dealt with in accordance with the Act. Guidance will only be issued and conditions will only be imposed that are reasonable, proportionate and strictly necessary for the promotion of the four licensing objectives.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 Administration and enforcement of the relevant Acts are carried out by the Licensing team, together with support from Legal Services and from Governance Services, when arranging and co-ordinating arrangements for hearings where there are objections. The costs associated with this work are met within existing budgets.

7. LEGAL ISSUES

- 7.1 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.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 The Council's constitution Part 3 "Responsibility for Functions" Section 2 "Responsibility for Council Functions" delegates to the Licensing Committee:
- All functions under the Licensing Act 2003 and the Gambling Act 2005 associated Regulations, not otherwise delegated to the Licensing Sub-Committee.
 - Agreeing increases to fees and charges for licence applications under the Gambling Act 2005.
 - Applications and appeals and revocations relating to Sex Shops, Sex Cinemas and Sex Encounter Establishments
 - Applications, appeals and revocations relating to Special Treatment Licenses.
 - Application for film classification for films shown within the Borough
 - Gaming, entertainment, food and miscellaneous licensing including functions relating to:
 - street trading including the designation of permanent pitches for street trading
 - Safety at sports ground certification.

9. BACKGROUND INFORMATION

- 9.1 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 1,000 licensed premises within the London Borough of Barnet.
- 9.2 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.
- 9.4 There are currently 72 gambling premise licences in the borough. There are approximately 34 permits and 75 Small Society Lottery registrations
- 9.5 Attached at Appendix 1 is information on the volumes of work undertaken in relation to applications by the Licensing Authority in 2012-2013.
- 9.6 A comparison of the work flow from 2011-2012 to 2012-2013 shows that the volume of work again remains fairly static. In some applications there has been a dip and others an increase in numbers.
- 9.7 There has been a slight increase in the number of variations which suggests businesses in the past 12 months have increasingly looked to change the way they operate or to operate different, usually longer, hours.
- 9.8 Again there is an increase in Temporary Event Notices (TENs). This has been a trend over the past few years and is likely a result of more premises becoming aware of the existence of TENs and the fact they can be used to cut "red tape" for one off activities. Also the introduction of late TENS allowing premises to serve TEN notices right up to 5 clear working days before the event may have resulted in an increase in last minute applications.
- 9.9 The data indicates that there has been a slight increase in the number of sub committees meetings. However these include a number of contentious applications which received high numbers of representation. Therefore negotiation or mediation was unlikely to resolve the issues.
- 9.10 In 2012-2013 the London Borough of Barnet's licensing website was refreshed. It now includes information about every new, variation and review application received. This information is also tweeted through the London Borough of Barnet's twitter account using the hashtag #LBBLicensing.
- 9.11 2012-2013 also saw Saracens Rugby Football Club moving into the borough. A safety certificate was required for Allianz Park (Formally

Copthall) in relation to spectator safety. The licensing team have put in considerable effort under tight time scales to ensure that Allianz Park

10. LIST OF BACKGROUND PAPERS

None

Cleared by Finance (Officer's initials)	JH
Cleared by Legal (Officer's initials)	BH

Appendix 1

Report on the work flows of the Licensing Authority.

Licensing Department

The licensing team received the following applications in the past 2 years:

Premises licences (Licensing Act):

	Apr – Mar 2012	Apr –Mar 2013
NEW PREMISES LICENCES	54	50
VARIATIONS TO PREMISES LICENCE	14	21
TRANSFER OF PREMISES LICENCE	59	55
DPS VARIATION	154	120
MINOR VARIATION	16	15
DUPLICATE/CHANGE OF DETAILS	50	35
NOTIFICATION OF INTEREST	6	8
REVIEW	3	4

Temporary Events:

	Apr –Mar 2012	Apr – Mar 2013
TENS	500	542

Personal Licences (Licensing Act)

	Apr –Mar 2012	Apr –Mar 2013
NEW PERSONAL LICENCES	263	235
CHANGE ADDRESS/DETAILS PERSONAL LICENCE	51	61
DUPLICATE	20	29

Premises Licences (Gambling Act):

	Apr –Mar 2012	Apr –Mar 2013
NEW PREMISES LICENCE	4	3
VARIATION	4	3
TRANSFER	3	1
DUPLICATION	0	0
REINSTATEMENT	0	0
PROVISIONAL STATEMENTS	0	0
CHANGE ADDRESS/DETAILS	0	0

Permits (Gambling Act):

	Apr –Mar 2012	Apr –Mar 2013
NOTIFICATION OF TWO MACHINES(LICENSED PREMISES)	0	1
PERMIT NEW	4	3
PERMIT VARIATION	0	0
PERMIT – CHANGE OF DETAILS	0	0
PERMIT TRANSFER	0	0
LOTTERIES NEW	16	31

LOTTERIES RENEWAL	13	26
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Street Trading

	Apr –Mar 2012	Apr –Mar 2013
GRANTED TEMPORARY STREET TRADING	173	132
INVALID/PENDING STREET TRADING LICENCES	20	4
TEMPORARY MARKETS	7	3
PERMANANT PITCH LICENCES	5	5

Since April the following Licensing hearings have taken place.

	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR
LICENSING ACT HEARINGS	1 (new)	4 (2 new 1 transfer 1 vary)	1 (personal)	1 (TEN)	1 (new – deferred to sept)	5 (3 new(1 withdrawn 2 vary)	2 new	0	0	0	2 (vary-application adjourned from first date to second	2 (1 new 1 vary)
LICENSING ACT REVIEW HEARINGS	0	1	0	2 (interim)	0	0	0	1 new	0	0	0	0
GAMBLING ACT HEARINGS	0	0	0	0	0	0	0	0	1 new	0	0	0
GAMBLING ACT REVIEW HEARINGS	0	0	0	0	0	0	0	0	0	0	0	0

Total 24
 19 licensing act applications
 4 review
 1 gambling act application

2011-2012

	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR
LICENSING ACT HEARINGS	3	0	0	0	0	0	2	0	1	2	3	0
LICENSING ACT REVIEW HEARINGS	1	0	0	1	0	0	1	0	0	0	0	0
GAMBLING ACT HEARINGS	0	0	0	0	0	0	0	0	0	0	0	0
GAMBLING ACT REVIEW HEARINGS	0	0	0	0	0	0	0	0	0	0	0	0

Total 14
 11 Licensing application
 3 reviews
 0 gambling Act application

	Apr 11 - Mar 12	Apr 12 – Mar 13
LA03 - Premises – sub committee hearings	10	18
LA03 - TENs – sub committee hearings	1	1
Hearing cancelled - inquorate	1	0
Hearing cancelled - adjourned	0	2
Hearing cancelled – application withdrawn	4	1
Reviews	3	4
Appeals	1	1
Appeal result – upheld Committee decision	1	0
Appeal result – upheld Licensing authority settlement	0	1