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Late Item –
Select Committee on the Licensing Act 2003

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Report of the Head of Elections, Licensing and Registration

Report to Licensing Committee

Date: 5th July 2016

Subject: Select Committee on the Licensing Act 2003

Are specific electoral Wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, name(s) of Ward(s):		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

1. A House of Lords Committee set up to conduct scrutiny of the Licensing Act 2003 has published its call for evidence and invites all interested parties to submit written evidence by 2 September 2016.
2. As the third largest licensing authority in the country it is important that Leeds city Council responds to the call for evidence.

Recommendations

4. That Licensing Committee considers the call for evidence questions and provides comments and views on the matters raised.

1 Purpose of this report

- 1.1 This report requests that Licensing committee considers the call for evidence published by the Select Committee and asks for comments and views in relation to the matters raised in the call for evidence.

2 Background information

- 2.1 The Licensing Act 2003 set out to provide greater freedom to the hospitality and leisure industry, as well as giving consumers more choice. At the same time the legislation was intended to grant authorities the appropriate powers to deal with misuse of these freedoms. The House of Lords Licensing Act 2003 Committee is now investigating the effectiveness of the Act and would like to hear from all those affected by it. It will publish its report early in 2017.

3.0 Main issues

- 3.1 The Select Committee on the Licensing Act 2003 was set up on 25 May 2016 with the task of conducting post-legislative scrutiny of that Act. The Committee will be looking at the provisions of the Act, in its original form and with its subsequent amendments, at its implementation, and at related developments. The Committee has to report by 31 March 2017.
- 3.2 The Committee has published a public call for written evidence to be submitted to them. The deadline is 2 September 2016. They are seeking opinions that are supported by factual and statistical evidence where appropriate.
- 3.3 The Licensing Act 2003 was intended to provide a means of balancing the broad range of interests engaged by licensing decisions – those of the entertainment and alcohol industries, small and large businesses, local residents and communities, policing, public health, and the protection of children from harm. Decision making under the Act was expected to balance these interests for the public benefit, rather than identify a ‘winning’ or ‘losing’ side. The Government said:

“Our approach is to provide greater freedom and flexibility for the hospitality and leisure industry. This will allow it to offer consumers greater freedom of choice. But these broader freedoms are carefully and necessarily balanced by tougher powers for the police, the courts and the licensing authority to deal in an uncompromising way with anyone trying to exploit these greater freedoms against the interest of the public in general.”

- 3.4 The Committee would welcome general views on whether the Act has achieved these objects. It would in particular welcome views on the following issues:

Licensing objectives

- 3.4.1 Are the existing four licensing objectives the right ones for licensing authorities to promote? Should the protection of health and wellbeing be an additional objective?

- 3.4.2 Should the policies of licensing authorities do more to facilitate the enjoyment by the public of all licensable activities? Should access to and enjoyment of licensable activities by the public, including community activities, be an additional licensing objective? Should there be any other additional objectives?

The balance between rights and responsibilities

- 3.4.3 Has the Live Music Act 2012 done enough to relax the provisions of the Licensing Act 2003 where they imposed unnecessarily strict requirements? Are the introductions of late night levies and Early Morning Restriction Orders effective, and if not, what alternatives are there? Does the Licensing Act now achieve the right balance between the rights of those who wish to sell alcohol and provide entertainment and the rights of those who wish to object?
- 3.4.4 Do all the responsible authorities (such as Planning, and Health & Safety), who all have other regulatory powers, engage effectively in the licensing regime, and if not, what could be done? Do other stakeholders, including local communities, engage effectively in the licensing regime, and if not, what could be done?

Licensing and local strategy

- 3.4.5 Licensing is only one part of the strategy that local government has to shape its communities. The Government states that the Act “is being used effectively in conjunction with other interventions as part of a coherent national and local strategy.” Do you agree?
- 3.4.6 Should licensing policy and planning policy be integrated more closely to shape local areas and address the proliferation of licensed premises? How could it be done?

Crime, disorder and public safety

- 3.4.7 Are the subsequent amendments made by policing legislation achieving their objects? Do they give the police the powers they need to prevent crime and disorder and promote the licensing objectives generally? Are police adequately trained to use their powers effectively and appropriately?
- 3.4.8 Should sales of alcohol airside at international airports continue to be exempt from the application of the Act? Should sales on other forms of transport continue to be exempt?

Licensing procedure

- 3.4.9 The Act was intended to simplify licensing procedure; instead it has become increasingly complex. What could be done to simplify the procedure?
- 3.4.10 What could be done to improve the appeal procedure, including listing and costs? Should appeal decisions be reported to promote consistency? Is there a case for a further appeal to the Crown Court? Is there a role for formal mediation in the appeal process?

Sale of alcohol for consumption at home (the off-trade)

- 3.4.11 Given the increase in off-trade sales, including online sales, is there a case for reform of the licensing regime applying to the off-trade? How effectively does the regime control supermarkets and large retailers, under-age sales, and delivery services? Should the law be amended to allow licensing authorities more specific control over off-trade sales of “super-strength” alcohol?

Pricing

- 3.4.12 Should alcohol pricing and taxation be used as a form of control, and if so, how? Should the Government introduce minimum unit pricing in England? Does the evidence that MUP would be effective need to be “conclusive” before MUP could be introduced, or can the effect of MUP be gauged only after its introduction?1

Fees and costs associated with the Licensing Act 2003

- 3.4.13 Do licence fees need to be set at national level? Should London, and the other major cities to which the Government proposes to devolve greater powers, have the power to set their own licence fees?

International comparisons

- 3.4.14 Is there a correlation between the strictness of the regulatory regime in other countries and the level of alcohol abuse? Are there aspects of the licensing laws of other countries, and other UK jurisdictions, that might usefully be considered for England and Wales?

3.5 Due to the short notice before this meeting, and the in-depth nature of the questions, officers would be pleased to receive comments by email before 31st July and will incorporate them into the licensing authority response.

3.6 Officers would be able to provide the draft response either by email to all members of Licensing committee, or by providing a report at the August meeting.

4.0 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 This call for evidence does not require a formal consultation as anyone, i.e. business or ward members, could reply in their own right. This report requests input into the formal response by the licensing authority.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 There are no implications for equality diversity, cohesion or integration in relation to the call for evidence.

4.3 Council Priorities and Best Council Plan

4.3.1 The licensing regime contributes to the following Best Council Plan 2015-20 outcomes:

- Improve the quality of life for our residents, particularly for those who are vulnerable or in poverty;
- Make it easier for people to do business with us.

4.3.2 The licensing regime is linked to the Best Council Plan objectives:

- Supporting communities and tackling poverty, and
- Becoming a more efficient and enterprising council

4.4 Resources and Value for Money

4.4.1 There are no cost implications in relation to the call for evidence.

4.5 Legal Implications, Access to Information and Call In

4.5.1 There are no legal implications in relation to the call for evidence and as this is not a decision making report access to information and call in is not relevant.

4.6 Risk Management

4.6.1 There is low to no risk to providing information in the call for evidence.

5 Conclusions

5.1 A House of Lords Committee set up to conduct scrutiny of the Licensing Act 2003 has published its call for evidence and invites all interested parties to submit written evidence by 2 September 2016. As the third largest licensing authority in the country it is important that Leeds city Council responds to the call for evidence.

6 Recommendations

6.1 Members of Licensing Committee are recommended to consider the call for evidence questions and provide comments and views on the matters raised.

Background documents¹

None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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