

## Report of the Head of Elections, Licensing and Registration

**Report to**     **Licensing Committee**

**Date:**            **2<sup>nd</sup> August 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.
3. Licensing Committee formed a working group to provide a response to the Call for Evidence and this report presents the draft response.

### Recommendations

4. That Licensing Committee considers the response to the call for evidence questions and provides comments and views on the matters raised and approves the response as the Leeds City Council response.

## **1 Purpose of this report**

- 1.1 This report requests that Licensing Committee considers the response to the call for evidence published by the Select Committee and asks for comments and views in relation to the matters raised which can be incorporated into the response before it is sent to the Select Committee at the beginning of September.

## **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.
- 3.5 The Working Group has provided a response to the Call for Evidence questions which is attached at **Appendix A**.

## **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. Licensing Committee formed a working group to provide a response to the Call for Evidence and this report presents the findings.

## **6 Recommendations**

- 6.1 That Licensing Committee considers the response to the call for evidence questions and provides comments and views on the matters raised and approves the response as the Leeds City Council response.

### **Background documents<sup>1</sup>**

None

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<sup>1</sup> 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.