



Nottingham City Council Licensing Committee

Date: Monday, 8 August 2022

Time: 10.00 am

Place: Ground Floor Committee Room - Loxley House, Station Street, NG2 3NG

Councillors are requested to attend the above meeting to transact the following business

Director for Legal and Governance

Governance Officer: Mark Leavesley

Direct Dial: 0115 876 4302

1 Apologies for absence

2 Membership

To note the appointments of Councillors Shuguftah Quddoos and Sajid Mohammed, and that Councillor Kotsonis has stepped down from the Committee.

3 Declarations of interests

If you need advice on declaring an interest, please contact the Governance Officer above, if possible before the day of the meeting

4 Minutes

Last meeting held on 6 May 2022 (for confirmation)

3 - 6

5 Review of Nottingham City Council Late Night Levy Scheme

Report of Director of Community Protection

7 - 42

Citizens attending meetings are asked to arrive at least 15 minutes before the start

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Nottingham City Council

Licensing Committee

Minutes of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 6 May 2022 from 10.00 am - 10.30 am

Membership

Present

Councillor Toby Neal (Chair)
Councillor Gul Nawaz Khan (Vice Chair)
Councillor Audrey Dinnall
Councillor Dave Liversidge

Absent

Councillor Nicola Heaton
Councillor Zafran Nawaz Khan
Councillor AJ Matsiko
Councillor Mohammed Saghir
Councillor Wendy Smith
Councillor Linda Woodings
Councillor Cate Woodward
Councillor Audra Wynter

Colleagues, partners and others in attendance:

Ann Barrett - Solicitor
Melanie Bird - Licensing Compliance Manager
Paul Dales - Chief Environmental Health Officer
Jane Garrard - Senior Governance Officer

12 APOLOGIES FOR ABSENCE

Councillor Nicola Heaton – Personal
Councillor Zafran Khan - Personal
Councillor Rebecca Langton – Maternity Leave
Councillor AJ Matsiko – Other Council Business
Councillor Mohammed Saghir - Unwell
Councillor Wendy Smith – Other Council Business
Councillor Linda Woodings – Other Council Business
Councillor Audra Wynter – Other Council Business

13 DECLARATIONS OF INTERESTS

None

14 Minutes

The Minutes of the meeting held on 4 October 2021 were agreed as an accurate record and signed by the Chair.

15 Review of Nottingham City Council Late Night Levy Scheme

Paul Dales, Chief Environmental Health Officer, and Melanie Bird, Licensing Compliance Manager, introduced the report seeking approval to commence a statutory consultation on the proposal to revoke the Late Night Levy scheme with effect from the end of the levy period on 31 October 2022. They highlighted the following points:

- a) The Levy has been in place in its current form since 2014 and it is reasonable to review it, particularly as the Covid pandemic highlighted the financial pressures on businesses and revocation of the Levy could be an approach to reducing that burden and reducing barriers to incoming or expanding businesses.
- b) Approval from the Committee is required to commence the statutory consultation, but any decision to revoke the Levy has to be taken by Full Council.
- c) Consultation has to take place with parties defined in the Police Reform and Social Responsibility Act 2011: Police and Crime Commissioner, Chief Officer of Police, holders of premises licences issued under the Licensing Act 2003 where the scheme applies.
- d) 30% of the income from the current Levy is allocated to the Council to spend on tackling late night alcohol related crime and disorder. 70% of the income is transferred to the Police and Crime Commissioner. There are no restrictions on what the Police can spend this money on. The Council is entitled to deduct its administrative costs for collection prior to the money being apportioned.
- e) The BID has an exemption from the Levy granted by the Council because it has been determined that they contribute to community safety schemes such as managing anti-social behaviour in the night time economy and are involved in projects that target retail and leisure issues, including delivering crime prevention measures in the night time economy. There are currently 109 premises eligible under the BID exemption at a total cost of £129,556.
- f) Income was also reduced after the first year as operators were allowed to submit a free minor variation to change the hours on their premises licence so as to no longer be liable to pay.
- g) The Levy now disproportionately impacts on businesses located outside the city centre. These local businesses are more likely to be family owned, single premises rather than a franchise, entry level small businesses and BAME owned enterprises.

During subsequent discussion, and in response to questions the following additional information was provided:

- h) The Council has not received any official information from the Police about how it has spent its portion of income from the Levy.
- i) Nottinghamshire Police is aware of the proposal to consult on revoking the Levy and the statutory consultation is the appropriate way to get its feedback.
- j) There has been no strong representation from the business community about financial pressures created by the Levy and many now view it as a routine business expense, but during the Covid pandemic some licensing solicitors did highlight it as a pressure. Therefore, it is appropriate to seek business views during the consultation.

- k) While the Act sets out statutory consultees it is possible to consider the views of citizens and other businesses. The report on consultation findings will differentiate the views of different consultees.

Committee members supported the proposal to consult on revocation of the Levy, and wanted to ensure that the consultation is as open and wide as possible.

Resolved to authorise a period of statutory consultation, that is as wide and open as possible, seeking views on the revocation of the Late Night Levy scheme to take effect from the end of the levy period on 31 October 2022.

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Licensing Committee – 08 August 2022

Title of paper:	Review of Nottingham City Council Late Night Levy Scheme	
Director:	Andrew Errington Director of Community Protection	Wards affected: All
Report authors and contact details:	Melanie Bird, Licensing Compliance Manager melanie.bird@nottinghamcity.gov.uk 07903702608 Paul Dales, Chief Environmental Health Officer 07983 334708 paul.dales@nottinghamcity.gov.uk	
Other colleagues who have provided input:	Ann Barrett, Team Leader, Legal Services 0115 8764411 ann.barrett@nottinghamcity.gov.uk	
Date of consultation with Portfolio Holder	Cllr Neghat Khan, 29 March 2022	
Does this report contain any information that is exempt from publication? No		
Relevant Council Plan Key Outcome:		
Clean and Connected Communities	<input type="checkbox"/>	
Keeping Nottingham Working	<input type="checkbox"/>	
Carbon Neutral by 2028	<input type="checkbox"/>	
Safer Nottingham	X	
Child-Friendly Nottingham	<input type="checkbox"/>	
Healthy and Inclusive	<input type="checkbox"/>	
Keeping Nottingham Moving	<input type="checkbox"/>	
Improve the City Centre	<input type="checkbox"/>	
Better Housing	<input type="checkbox"/>	
Financial Stability	<input type="checkbox"/>	
Serving People Well	<input type="checkbox"/>	
Summary of issues (including benefits to citizens/service users):		
<p>On 6 May 2022 this Committee authorised a consultation to take place on proposals to revoke the Council's Late Night Levy Scheme (LNL Scheme).</p> <p>Consultations were carried out between 9 May 2022 and 1 July 2022 and between 20 July 2022 and 3 August 2022. This report seeks consideration of the responses received and for Licensing Committee to recommend revocation of the LNL scheme at Full Council on 12 September 2022.</p>		
Recommendation:		
1	That the Licensing Committee consider the responses received from the consultation periods and recommend to Full Council the proposed revocation of the LNL scheme for the reasons set out in paragraph 3.31 of this report.	

1. Reasons for recommendations

- 1.1 The Health Protection (coronavirus) Regulations 2020 restricted licensed premises during the pandemic from operating to hours prescribed on premises licences issued under the Licensing Act 2003 which has highlighted the financial pressures on businesses. The revocation of the levy could be considered as an approach to reduce that burden. The Invest in Nottingham business growth strategy promotes and supports investment in the city and the LNL costs may be considered a barrier to incoming or expanding businesses.
- 1.2 The option for removal of the LNL annual payments reduces the financial burden on licensed trade businesses. The hospitality sector has come under severe pressure in the last 24 months during the pandemic because of the restricted trading conditions. This may assist viability of existing businesses and may encourage those considering opening in the city who by virtue of their planned opening hours would be liable for the LNL fee under the existing scheme. This could support revitalising the economy within this business sector.
- 1.3 The Licensing Committee is requested to consider the responses received from the consultation periods and to recommend that the LNL Scheme is revoked at the Full Council meeting on the 12 September 2022 on the basis of the conclusions drawn at paragraph 3.31 of this report. Should a decision be made to revoke the scheme the LNL Scheme will cease to operate at the end of the current levy year, being the 31 October 2022.

2. Other options considered in making recommendations

- 2.1 To retain the current established arrangements for the LNL however a formal review was deemed appropriate given the significant financial pressures faced by businesses.
- 2.2 From the responses received to the consultation the general consensus of opinion from businesses is that the late night levy scheme should be revoked and there was little general support for variation of the existing scheme. Revocation of the existing scheme does not prevent the introduction of a new scheme at a later date if that was felt to be desirable.
- 2.3 Should the Licensing Committee decide to not follow the recommendation but instead wish to consider looking to vary the current scheme then this can be done but this would require further work and a new consultation. This means that the current scheme would remain in place as no changes could be implemented until 31 October 2023.

3. Background (including outcomes of consultation)

- 3.1 The Police Reform and Social Responsibility Act 2011 empowers Licensing Authorities to charge a LNL to persons licensed to sell alcohol late at night as means of raising a contribution to fund services to tackle late night alcohol-related crime and disorder and services connected to the management of the night-time economy. The levy is payable by the holders of relevant late night authorisations. These are the holders of any premises licence or club premises certificate in relation to premises in the authority's area, which authorise the sale or supply of alcohol on any days during a period (the "late night supply period") beginning at or after midnight and ending at or before 6am. The levy must be applied throughout the whole of the Council's area although the Council has a discretion in the design of the levy scheme and can provide discounts or exemptions for certain holders of relevant late night authorisations as prescribed by Regulation.

- 3.2 In making a decision that a LNL is to apply to its area the authority must consider:
- a) the costs of policing and other arrangements for the reduction or prevention of crime and disorder, in connection with the supply of alcohol between midnight and 6 am, and
 - b) having regard to those costs, the desirability of raising revenue to be applied in accordance with section 131 of the Act which requires not less than 70% of the net levy to be paid to the police.

The Council's proportion of the LNL (30%) must be spent on tackling late night alcohol related crime and disorder however there are no restrictions on what the police can spend their proportion on.

- 3.3 A consultation period commenced on the 9 May 2022 to 1 July 2022 and a further consultation period commenced on the 20 July 2022 to 3 August 2022. A second consultation period was introduced to allow a public notice to be advertised in the Nottingham Metro in accordance with The Late Night Levy (Application and Administration) Regulations 2012 section 3 (b) and a notice was published on the 20 July 2022 and 22 July 2022.

3.4 Results and Feedback from the Consultation

There have been a total of 28 responses received during the consultation periods. 26 responses have been received from the holders of Premises Licences issued under the Licensing Act 2003. Responses have also been received from Superintendent Kathryn Craner on behalf of Nottinghamshire Police and from the Nottinghamshire Police and Crime Commissioner. No other business groups or organisations have chosen to respond to the consultation.

The Licensing Authority comments on the consultation responses are attached in the Consultation Responses document at Appendix 1.

The response from Superintendent Kathryn Craner can be found at Appendix 2 and the response from the Nottinghamshire Police and Crime Commissioner can be found at Appendix 3.

Consultees were asked their opinion as to whether the LNL Scheme should be revoked by completing the relevant parts of the table below to support the final decision in due course.

	Cease the LNL	Other suggestions
As an employee or self-employee of a business that currently pays the LNL		
As an employee or self-employee of a business that currently pays the BID contribution		
As an employee or self-employee of another business or organisation		
As a community group or organisation		
As a statutory body/ Organisation		
Other, please specify		

initiatives in local neighbourhood areas as well as in the City, and would be in future if the levy continued to be collected.

- 3.9 On the 16 December 2021 the Home Office published a Provisional Police Funding Fact Sheet (available at the following link [Factsheet: Provisional Police Funding Settlement 2022/23 - Home Office in the media \(blog.gov.uk\)](https://blog.gov.uk/factsheet-provisional-police-funding-settlement-2022-23-home-office-in-the-media)).
- 3.10 The fact sheet explains that a total of £16.9 billion will be allocated to Policing in 2022/2023. This will include funding to the Police and Crime Commissioners. The overall funding to Police and Crime Commissioners will increase by up to £796 million next year, an increase of up to 5.8% in comparison to the 2021/22 funding settlement.
- 3.11 The funding will see an additional £550 million Government funding to Police and Crime Commissioners, including funding for the recruitment of 8,000 extra officers to reach the recruitment target of 20,000 by the end of March 2023.
- 3.12 The Nottinghamshire Police and Crime Commissioner received £237.2 in a grant for the 2021/2022 period and is expected to receive £250.2, an additional £13 million for the period 2022/2023.
- 3.13 **The following information was provided to the Licensing Committee on the 6 May 2022 and explains the introduction of the Late Night Levy Scheme, the premises exempt and the number of premises to which it effects:**
- 3.14 On 14 July 2014 full Council approved the following LNL scheme with the levy period running from 1 November – 31 October each year:
- (1) the Levy to apply from 1 November 2014;
 - (2) to be charged to premises that are authorised to sell alcohol at any time between 00:01 – 06:00;
 - (3) an exemption for premises falling within the following categories as defined in Regulation 4 of the late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012:
 - (a) Premises with overnight accommodation
 - (b) Theatres and cinemas 14
 - (c) Bingo halls
 - (d) Community Amateur Sports Clubs
 - (e) Community premises
 - (f) Premises which are a member of a BID established for relevant purposes
 - (g) Premises which only become liable for the Late Night Levy by virtue of their being permitted to supply alcohol for consumption on the premises on 1st January in every year.
 - (4) the funds raised, net of the administration costs incurred by the Licensing Authority, be split 30/70 between the Licensing Authority and the Police respectively;
 - (5) the Licensing Authority's portion of the funding to be used throughout the City to support the prevention of crime and disorder caused by the night time economy during the hours of the levy. This will be achieved through the establishment of 2 night-time Community Protection Officer posts.

3.15 The amount of levy, is based on the rateable value of the premises and the fees paid are currently:

- Band A - £299.00
- Band B - £768.00
- Band C - £1259.00
- Band D - £1365.00
- Band E - £1495.00
- Band D+ - not applicable to any premises currently in the levy
- Band E + - £4440.00

There are currently the following number of premises in each rateable band:

- A - 19
- B - 71
- C - 21
- D - 9
- E - 22
- D+ - 0
- E+ - 2

3.16 The Late Night Levy remains in place in the terms agreed in 2014 until such time as it is reviewed or removed following full and open consultation with those parties defined in the Act (Police & Crime Commissioner, Chief Officer of Police, holders of premises licences issued under the Licensing Act 2003 where the scheme applies or will apply).

3.17 Income received from the current LNL is not Council budget, merely a conduit for collection and transferral of 70% to the Police & Crime Commissioner of the net amount. The Council is entitled to deduct its administrative costs for collection (currently £22k) prior to the net amount being apportioned.

3.18 As indicated above, the BID were provided with an exemption from the LNL. This was because the BID already contributed to managing anti-social behaviour in the night time economy and was involved in projects that targeted retail and leisure issues including delivering strong crime prevention measures in the night time economy. Nottingham BID also took responsibility for the business crime reduction partnership in the city, including the provision of the city centre radio scheme and provision of Taxi Marshalls available every Friday and Saturday between 10pm and 4am.

3.19 As such, the Nottingham BID had a strong crime & disorder focus. As the BID did not meet the statutory criteria allowing a reduction to be applied it was felt more appropriate to exempt those premises within the BID area from the levy rather than them having to pay both the BID and LNL charges. In return, the BID were required to invest money into providing community safety services for the NTE.

This exemption remains in place to date.

3.20 There are currently **109 premises** eligible under the BID exemption the cost of which is currently estimated to be around £129,500 as detailed below;

Band A – £299 – 0 premises

Band B – LNL fee £768, 31 premises – total £23,808.00

Band C – LNL fee £1259.00, 37 premises –	total £46,583.00
Band D – LNL fee £1365.00, 16 premises –	total £21,840.00 and
Band E – LNL fee £1493.00, 25 premises –	total £37,325.00

Overall total - **£129,556.00**

- 3.21 Income was heavily reduced after year one commencement as operators were allowed to submit a free minor variation to reduce the hours on their premises licence they either didn't use or to move their hours to pre-midnight so as to no longer be liable to pay.
- 3.22 For the period 1 November 2020 – 31 October 2021 the level of actual income received from the LNL was **£133,851.00**. As this period spanned the long periods of Covid 19 lockdown when most late-night operators could not open, the LNL fees were payed for one year only on their behalf by the Council through Additional Restrictions Grant (ARG) funding.
- 3.23 There are currently **144 Premises** in the City boundary that are liable to pay the LNL. These are business that operate after midnight and are not BID members. This fact indicates that the LNL now disproportionately impacts on businesses located outside the city centre in the local community areas where there is a reasonable but non-confirmed assumption that it impacts on the demographic population reflective of these areas. These local businesses are likely to have a characteristic makeup that is predominantly:
- Family owned;
 - Single premises rather than franchise/multi outlet operations;
 - Entry level small business operations;
 - BAME owned enterprises.

Of these premises **48 in the city centre** with an NG1 postcode and **96 outside of the city centre** that currently pay the LNL. The 48 premises in the city centre broadly have a higher rateable value than those outside the centre.

- 3.24 The 30% of the LNL which the Council retains has provided a small contribution to the offsetting the costs of up to 8 Community Protection Officers (CPO's) and one Senior Community Protection Officer that work in the City Centre and are operationally involved in the night-time economy. Their shift patterns see them working to 10.00 pm and midnight and later if there are operational reasons to do so.
- 3.25 The CPO's work in partnership with the Police, East Midlands Ambulance Service, CCTV service, licensed venues and multiple other partners involved the safe operating of the Night Time Economy.
- 3.26 CPO Late Night Enforcement Officers operating from within the Licensing Service are critical for delivering the safety element of the Night Time Economy. These Officers check taxis and private hire vehicles within the city centre and provide a visible presence in the city centre until 5am.
- 3.27 In addition to this the Community Protection Operational Response Team are regularly deployed to the city centre as extra uniform presence for key dates including Freshers weeks, pay weekends, football matches, and University Events etc.
- 3.28 CPO's regularly provide reassurance and support to citizens out within the night time economy including being trained first aiders and providing early intervention in regards to

Anti-Social Behaviour and regulatory compliance. They are also a 'one stop shop' assisting visitors to the City.

- 3.29 CPO's provide a presence around larger city centre car parks, tram stops, the market square and at key locations and times like the end of a show at the theatre or concert hall.
- 3.30 Operationally there are a minimum of two officers on late shifts a week excluding any extra officers from Taxi CPO's or the Operational Response Team. This alone equals to £68,000 pa, before any extra operational costs like radios, uniform, training etc.
- 3.31 The Late Night Levy scheme currently costs the Licensing Authority £22,000 per annum to administer. However, since the introduction of the scheme in 2014 this cost has not increased and due to the officer time spent administering the scheme the actual cost is in excess of the £22,000. Should a decision be made to retain the scheme this cost will be revisited and increased in accordance with the time taken by staff involved administering the scheme, which will reduce the available income from the LNL to be distributed making the scheme even less viable.
- 3.32 Considering all of the information set out above and the consultation responses it appears:
- The income currently generated from the LNL Scheme is less than expected;
 - Of the income generated the Council proportion fails to fully meet the costs it was intended to and the provision of CPOs is already being met, in the main, from other existing budgets. If the Council's proportion of the LNL was no longer available, the impact on NCC would be manageable;
 - The costs of administering the scheme are fairly high;
 - The majority of the monies raised are passed to the police/PCC who have only spent a proportion of it;
 - Whilst new projects have been identified by the police/PCC they have other income streams from which they could be met;
 - Due to the design of the scheme the majority of the LNL is paid by businesses which are outside of the city centre;
 - The main expenditure of the LNL and policing activity is within the City Centre;
 - The effect of the LNL is therefore disproportionately affecting businesses outside of the city centre which are more likely to be family owned, single premises rather than a franchise, entry level small businesses and BAME owned enterprises;
 - The Covid pandemic has highlighted the financial pressures on businesses. The revocation of the levy could be considered as an approach to reduce that burden;
 - LNL costs may be considered a barrier to incoming or expanding businesses;
 - On balance it is felt that it is no longer desirable to retain the LNL as the benefits of reducing the financial burdens on businesses and encouraging business growth and investment outweigh the reduced and disproportionate benefits that continuing the scheme would bring.

4. Finance colleague comments (including implications and value for money)

- 4.1 Late Night Levy was implemented by Nottingham City Council in 2014 with the purpose to help offset the cost of policing the night-time economy. Upon implementation in 2014, the Business Improvement District (BID) were provided with an exemption, meaning that all licenced premises covered by the BID area would not have to pay the levy which reduced the expected funding – this exemption is circa £0.129m (as advised by the Service) which was higher than originally anticipated. An income saving was put in place of £0.080m

against this levy in 2014. The average income being recognised relating to the levy (Including allowable expenses) are circa £67k over the years 2015-2020 – partly due to the implementation of the BID exclusion so currently the income target in place is not being met and has a shortfall. This can fluctuate however, with premises joining/leaving the scheme.

- 4.2 As this levy has remained in place during a period which spanned the periods of Covid 19 lockdown when most late-night operators could not open, the LNL fees were paid for one year only on their behalf by the Council through Additional Restrictions Grant (ARG) funding which was received from Department for Business Energy and Industrial Strategy (BEIS).
- 4.3 The council will be required to publish a notice setting out its intention to make a decision that the LNL will cease to have effect in the City. The notice must be publicised and sent to affected licence holders, the Chief Officer of Police and the Police & Crime Commissioner as key stakeholders. The Levy will have financial implications for both NCC and PCC as the income from the levy is split between them on a 30% and 70% split respectively (excluding an initial £0.022m for allowable expenses to be retained by NCC).
- 4.4 The LNL can only cease on its anniversary dates and therefore the suggested end date would be 31st October 2022. The cessation of this Levy will leave the current income target unachieved within the Service – which has over the interim years increased to a total of £0.090m. No funding has been identified to mitigate this income target assuming cessation, as the admin aspects are covered within a centralised Licensing team. There would be a part year impact in both 2022 and the remaining in 2023 to the end of the final year of levy.

Susan Turner – Senior Commercial Business Partner

5. Legal colleague comments

- 5.1 Matters relating to the introduction and administration of the LNL are non-executive functions. Under the Council's constitution Licensing Committee has the power to consider putting proposals relating to the scheme out to consultation but any final decisions are required to be made by full Council (as Licensing Authority)
- 5.2 Whilst the Council has a wide discretion in relation to the operation of the LNL it was obliged at the time of adopting the levy to have regard to:
 - a) the costs of policing and other arrangements for the reduction and prevention of crime and disorder in connection with the supply of alcohol between midnight and 6am; and
 - b) the desirability of raising revenue to be applied to tackle alcohol related crime and disorder and the management of night time economy.

These would also be relevant considerations when considering if the scheme should be amended or cease to apply.

- 5.3 As indicated in the main body of the report there is a statutory requirement to consult the relevant local policing body, the chief officer of Police and holders of late night authorisations before a final decision is made to implement, vary or revoke a levy scheme. Various advertising requirements also need to be met. The legislation itself does not provide any further timetable or detail as to how the consultation should be carried out. Each of the steps required by the legislation have now been taken albeit not simultaneously and although the original consultation addressed to the PCC was sent to the wrong address an

opportunity to provide additional comments outside of the original consultation period has been offered so as to ensure that no prejudice has occurred.

- 5.4 As the recommendation in this report is for Licensing Committee to make a recommendation to Council there is currently little risk of challenge to this decision. In determining whether to support the officer recommendation the Committee should have regard to the costs of policing and consider whether it is desirable for the scheme to continue and give reasons for its conclusions.
- 5.5 In the event that Council ultimately makes a determination for the LNL to cease then that decision will be open to challenge by Judicial Review on the usual administrative grounds (eg. that the consultation was flawed, that irrelevant considerations were taken into account or that relevant considerations were not, or that the decision was otherwise so unreasonable that no reasonable authority would have made it).

6. Other relevant comments

6.1 Not applicable

7. Crime and Disorder Implications (if Applicable)

7.1 Not applicable

8. Social value considerations (if Applicable)

8.1 Not applicable

9. Regard to NHS Constitution (if Applicable)

9.1 Not applicable

10. Equality Impact Assessment (EIA)

10.1 Attached at Appendix 5, and due regard will be given to any implications identified in it.

11. Data Protection Impact Assessment (DPIA)

11.1 A DPIA is not required because it is not applicable to the proposal.

12. Carbon Impact Assessment (CIA)

12.1 A CIA is not required because it is not applicable to the proposal.

13. List of background papers relied upon in writing this report

13.1 Consultation responses from holders of late night authorisations, Chief Officer of Police and the Nottinghamshire Police and Crime Commissioner

14. Published documents referred to in this report

Police Reform and Social Responsibility Act 2011, Chapter 2 of Part 2;
The Late Night Levy (Application and Administration) Regulations 2012;
The Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012.

Nottingham City Council

Responses to consultation on Review of the Nottingham City Council Late Night Levy Scheme

Responses:

<u>Numbered Responses:</u>	Cease the Late Night Levy	Other suggestions	Licensing Authority's Acknowledgement
As an employee or self-employee of a business that currently pays the LNL:			
1	Yes	No comments made	Acknowledged the opinion to remove of the LNL Scheme
2	Yes	Suspension/ Excluding Retail Premises further comments below.	Comments acknowledged by Licensing Authority
3	Yes	No comments	Acknowledged the opinion to remove of the LNL Scheme
4	Yes	No comments	Acknowledged the opinion to remove of the LNL Scheme
5	Yes	No comments	Acknowledged the opinion to remove of the LNL Scheme
6	Yes	No comments	Acknowledged the opinion to remove of the LNL Scheme
7	Yes	Look at business rates and VAT	The Authority recognises the impacts of other fees such as businesses rates and VAT that would impact businesses in addition to the Late Night Levy
8	Yes	Look at business rates and VAT	
9	Yes	Look at business rates and VAT	

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10	Yes	No comments	Fee but has no control over them.
11	Yes	No comments	Acknowledged the opinion to remove of the LNL Scheme
12	Yes	No comments	Acknowledged the opinion to remove of the LNL Scheme
27	Yes	No comments	Acknowledged the opinion to remove of the LNL Scheme
28	Yes	No comments	Acknowledged the opinion to remove of the LNL Scheme
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	Cease the Late Night Levy	Other suggestions	
As an employee or self-employee of a business that currently pays the BID contribution:			
3	Yes	No comments	Acknowledged the opinion to remove of the LNL Scheme
4	Yes	No comments	Acknowledged the opinion to remove of the LNL Scheme
5	Yes	No comments	Acknowledged the opinion to remove of the LNL Scheme

13	Yes	See General Comments Below	Comments acknowledged by Licensing Authority
14	-	The BID should be consulted as support for BID unlikely to continue with removal of the LNL scheme.	Comments acknowledged by Licensing Authority

	Cease the Late Night Levy	Other suggestions	
As an employee or self-employee of another business or organisation:	Yes	Hospitality businesses already pay extra into business rates and BID schemes The sector is still recovering from covid – its faces higher operating costs and lower revenue levels still as the sector and the public return to more normal patterns of behaviour.	Comments acknowledged by Licensing Authority
16	Yes	Changed Licence to avoid LNL	Comments acknowledged by Licensing Authority

	Cease the Late Night Levy	Other suggestions	
As a community group or organisation	N/A	N/A	N/A

	Cease the Late Night Levy	Other suggestions	
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As a statutory body/ organisation	N/A	N/A	N/A
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	Cease the Late Night Levy	Other suggestions	
Other, please specify: 17 – Managing Agent of Tenants	-	Against cancelling the Late Night levy	Comments acknowledged by Licensing Authority

General Comments

Name of Respondent	Summary of Respondents Comments	Authorities Appraisal of Comments
2 Page 20	<p>Supports the levy being removed or suspended</p> <p>Suspension of the Levy would support business affected by the pandemic.</p> <p>Makes reference to pre-loaders.</p> <p>Being caught in the levy period even though their main point of this period is to deliver weekly shopping to homes and the licence enables them to fulfil orders of alcohol.</p> <p>Many supermarkets have closed their doors over night post covid. Kept 24hr licence to protect future business and maintain flexibility.</p> <p>Retail premises should not be part of the Levy.</p> <p>Levy is a blunt tool.</p> <p>Levy is good way to raise funds to support the law and order of NTE.</p>	<p>Comments acknowledged by Licensing Authority.</p> <p>Comments noted about legal constraints of the Levy applying to businesses that are unlikely to negatively impact on NTE.</p> <p>Exemptions and reductions can only be applied in accordance with Regulation which do not allow for exemptions and reductions to be applied to retail premises per se.</p>
18	<p>Believes the 2 periods out of a week of 30 minutes that make them liable to pay the fee does not warrant a huge fee.</p> <p>Have discussed varying licence as it is too expensive for a small site. Nightclubs can afford the fee.</p>	<p>Comments acknowledged by Licensing Authority</p> <p>The levy bands are prescribed by regulation and cannot be amended by the Licensing Authority</p>

	<p>Has been difficult few years, cost of living increases, customers being cautious with spending. Increasingly hard to make a living in hospitality.</p> <p>Would be a massive support to remove the levy. If cannot remove the levy then consider different fee stages for small business against larger bars and clubs open longer into the morning.</p>	
19	<p>Levy should be revoked, during and after pandemic have reduced their hours of trading so have other businesses in the area.</p> <p>People change the way they go our and mainly work from home. They do not go out at night as often and it affects trade of business. Not worth opening later.</p>	Comments acknowledged by Licensing Authority
Page 21	<p>Although our venues are exempt from the levy as all are within the BID area, we still feel that the drawbacks outweigh the benefits in having a levy in the city. It is a further tax on an already overly taxed sector, which impacts heavily on businesses which are just recovering financially from the lockdown due to COVID. The money was often charged to premises which lay outside of the city centre despite the fact that the reason for the levy was the crime and disorder in the city centre.</p> <p>Improved partnership working between authorities and operators will always be able to deliver on better safety outcomes in my opinion and the levy proved to be divisive and impeded partnership working through its unpopularity with operators.</p> <p>I hope the city council, other authorities and operators can come together to work both</p>	Comments acknowledged by Licensing Authority

	strategically and operationally to make the city a safe place for the public to enjoy.	
20	Opt to revoke the Levy	Comments acknowledged by Licensing Authority
21	<p>Ensuring a Safe and vibrant NTE is a vital element of the Police and Partnership offer for Nottingham City the operations are scaled according to predicted demand and footfall. The officers work 24/7 in the city centre and primarily attend the immediate and urgent calls for service. None of these officers are funded through the LNL.</p> <p>The Late Night Levy has provided the opportunity to supplement the NTE policing offer with overtime funding to recent additional officer being drawn from the Neighbourhoods.</p> <p>Allows officers to respond to emerging crime patterns and trends and hotspot locations.</p> <p>The LNL has recently contributed to Nottingham's Partnership Response to the national spiking epidemic. A proposal has also been made for CCTV on St James' Street.</p> <p>There is an increased demand within NTE post pandemic and is as high as pre-pandemic levels.</p> <p>The lack of a CIA and with the removal of the LNL scheme could reduce the partnership opportunity to put additional safety measures in place to reduce ASB and violence associated with alcohol consumption.</p> <p>Nottinghamshire Police were consulted with, and welcomed, a recent needs assessment, conducted</p>	<p>Comments acknowledged by Licensing Authority. Limited evidence of significance of the relatively modest LNL funding contribution within overall Police budget that is applied to NTE work.</p> <p>Noted suggestion that removal of Levy may impact on use of overtime for Policing NTE. Not indicated if overall recent increase in Police budgets would offset loss of Levy funding.</p> <p>Noted that Police obtained separate income streams from Home Office to support community safety initiatives e.g. Violence Against Women and Girls.</p> <p>Noted objection to revocation of Levy.</p>

by Nottinghamshire Police and Crime Commissioner. A number of suggestions for the use of the Late Night Levy funds were proposed by Nottinghamshire Police, including a multi-partnership safe space. Nottinghamshire Police are also supportive of recommendations to extend support into the City Neighbourhoods should the Late Night Levy continue.

It should also be noted that last year, with a short deadline, the Home Office released funding specifically for NTE partnerships to tackle Violence Against Women and Girls. The City Partnership was determined to maximise this opportunity and diverted some of the proposals being developed under the LNL funding to produce this bid.

Diverting these bids from the Late Night Levy just as the NTE was re-opening, plus the extensive lock down period, clearly reduced the requirement to spend the money collected through the Late Night Levy.

The night time economy needs assessment was commissioned on the basis of ensuring that the Late Night Levy monies are optimised in ensuring that our night time economy is as safe as it can be. This strongly supports the principles of Section 125 (3) of the Police Reform and Social Responsibility Act (PRSRA) 2011

I believe it would be helpful to draw your attention to the recommendations that were developed, based upon stakeholder input and evidence

bases, within the needs assessment that has been sent to you, in the summary below

RECOMMENDATION	ONE OFF COST	ANNUAL COST
Permanent Safe Space	£10,000	£164,000
Boosting volunteer support	£10,000	£2,000
Empowering the NTE Safety Group	N/A	£50,000
Taxi marshals & enhanced enforcement	N/A	£62,000
St James's Street safety measures	£93,920	N/A
Talbot Street modifications and plan	£30,000	N/A
City neighbourhoods BCRP	N/A	£37,700
Enhanced CCTV coverage	N/A	£20,000
Operation Guardian	N/A	£18,000
Communicating the Late Night Levy	N/A	£1,500
TOTAL	£143,920	£355,200

Many of the above recommendations build upon the successes achieved through the Safer Streets 3 funding which enabled the excellent and highly innovative work of the Safer Women at Night (SWAN) scheme activities to be commissioned.

The night time economy needs assessment provides us with a firm basis for using Late Night Levy monies to best effect and to the collective benefit of the public and businesses within Nottingham City and beyond.

To this end, I have requested confirmation of any unspent monies as well as ongoing commitments funded through the levy and should be able to provide this in the near future, hopefully at a point in time when we meet to discuss this proposal.

It should be noted that it may not be possible to progress these recommendations if the Late Night Levy is not collected in future. I am very concerned that while its revocation might yield a short-term benefit, it would be deeply harmful in the longer term and would stymie our collective efforts in ensuring the vibrant night time economy

Comments acknowledged by Licensing Authority

Noted the significant existing budget applied to policing initiatives for the NTE compared to the relatively modest annual income realised through LNL. Submission does not provide detailed analysis of the likely impact of the removal of LNL income as part of the overall current funding available for NTE policing activity.

Noted that there are unspent LNL monies.

Noted the comments speculating that NCFE premier league status may adversely impact crime and disorder. The connection of football related violence to the applicable period of the LNL, midnight to 6am, is not strongly correlated in the submission. The Licensing Authority is unaware of this as a significant impact during this period.

Noted the objection to revocation of Levy.

of Nottingham City is enabled to be as safe and inclusive as possible, for our women and girls, and the more vulnerable residents in our communities.

I have significant concerns that the absence of revenue raised via the Late Night Levy will thwart mine and the Chief's Constable's efforts to make and keep our City Centre safe.

A further area of concern, if the Levy were to be revoked, is that of the impact and lack of resilience regarding football related violence. The promotion of Nottingham Forest to the Premier League is a wonderful achievement for our City and it will stimulate economic vitality and growth. However, I am told that there is connectivity between football event and violent crime and disorder, including drug taking. I am advised by the police that the majority of fans and spectators are well behaved and go to games to enjoy themselves, but the behaviour of a minority of fans, including violence, criminal damage, drug-taking, intimidation and harassment, and in some cases, exploitation of vulnerable young people, requires an elevated police presence as well as associated response and support interventions to be deployed. For the reasons set out above, I am opposed to the Late Night Levy being rescinded.

Miscellaneous

Name of Respondent	Summary of Respondents Comments	Authorities Appraisal of Comments
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23	Our company would prefer to continue to provide LNR for our customers.	Premises does not have LNR on their licence. Are within the Late Night Levy Period Comments acknowledged by Licensing Authority
24	This shop is only open 1 hr over the levy (find it an unfair charge)	Premises does not have the sale of alcohol and therefore not charged the Levy fee. Comments acknowledged by Licensing Authority
25	Cost of living has increased, negative impact on small businesses. Opposes the termination of the LNL Scheme Cease the LNL	Seems to be a misunderstanding of the Late Night Levy. The response seems to indicate that the scheme supports them in trading at a late hour and without it they would not be able to do so. Premises does not have the sale of alcohol and therefore not charged the Levy fee. Comments acknowledged by Licensing Authority Premises does not have the sale of alcohol and therefore not charged the Levy fee. Comments acknowledged by Licensing Authority



30th June 2022

Central Police Station
Byron House
Maid Marian Way
Nottingham
NG1 6HS

Tel: 101

Dear Sir or Madam,

Formal response from Nottinghamshire Police to consultation on review and proposed revocation of the Late Night Levy in Nottingham City Council.

Ensuring a safe and vibrant Night Time Economy (NTE) is a vital element of the police and partnership offer for Nottingham City Centre. This entails a dedicated Policing operation every Friday and Saturday night, where large numbers of officers are brought into the City Centre to provide enhanced visibility and reassurance, as well as response to incidents. These operations are scaled according to predicted demand and footfall. They are in addition to the Response officers who work in the City Centre 24/7 and primarily attend the immediate and urgent calls for service. None of these officers are funded through the Late Night Levy.

The Late Night Levy has provided the opportunity to supplement the NTE policing offer with overtime funding to prevent additional officers being drawn from the Neighbourhoods. It has allowed the partnership to provide a prompt and robust response to emerging crime patterns, trends and hotspot locations. For example, the Late Night Levy has recently contributed to Nottingham's partnership response to the national 'spiking epidemic'. A proposal has also been submitted for additional CCTV camera on St James' Street.

Nationally, it is recognised that the re-opening of the NTE post pandemic has resulted in increased demand within the NTE. Footfall data and transport use data suggests that NTE footfall is as high as pre-pandemic levels, and this is replicated in the police demand picture. To ensure we maintain trust and confidence in a safe NTE it is important to constantly review our partnership offer, understand the public perception and be able to react accordingly with new initiatives.

Until recently there has been a Cumulative Impact Assessment in Nottingham City Centre. This restricted the number of licenced premises within designated zones and prevented over saturation of licenced venues that could contribute to crime and disorder. This was not renewed in October 2021, with an intention of reviewing in Spring 2022, however, there is currently no live Cumulative Impact Assessment. The Late Night Levy is collected from premises which sell alcohol after midnight. The removal of measures to prevent saturation of licensed premises plus removal of the Late Night Levy contribution could reduce the partnership opportunity to

put additional safety measures in place to reduce ASB and violence associated with alcohol consumption.

Nottinghamshire Police were consulted with, and welcomed, a recent needs assessment, conducted by Nottinghamshire Police and Crime Commissioner. A number of suggestions for the use of the Late Night Levy funds were proposed by Nottinghamshire Police, including a multi-partnership safe space. Nottinghamshire Police are also supportive of recommendations to extend support into the City Neighbourhoods should the Late Night Levy continue.

Nottinghamshire Police attend a National NTE meeting to share experiences and seek new ideas as well as identifying best practice. Some of these initiatives have subsequently resulted in some of the expenditure of the LNL. Chief Inspector English chairs the NTE Safety Group; a partnership meeting involving key stakeholders and community representatives from Nottingham City. Nottinghamshire Police are supportive of the NTE assessment proposal to use this partnership forum to make recommendations for consideration of projects and funding for future NTE safety initiatives.

I would like to note that Nottinghamshire Police have never been requested to provide any information regarding the outcomes of Late Night Levy expenditure by the Licensing Authority.

It should also be noted that last year, with a short deadline, the Home Office released funding specifically for NTE partnerships to tackle Violence Against Women and Girls. The City Partnership was determined to maximise this opportunity and diverted some of the proposals being developed under the LNL funding to produce this bid. It was fantastic to secure £293,542 from Safer Streets 3 and deliver the projects by the end of March 2022 when the bid term ended. However, diverting these bids from the Late Night Levy just as the NTE was re-opening, plus the extensive lock down period, clearly reduced the requirement to spend the money collected through the Late Night Levy.

Yours sincerely,

Superintendent Kathryn Craner
Area Commander – Nottingham City



COMMISSIONER CAROLINE HENRY

28 June 2022

To: Cllr David Mellen
Mel Barrett
Lord Vernon Coaker
Cllr Neghat Khan
Andrew Errington
Colin Wilderspin
Paul Dales

Dear Colleague

Formal response from Police and Crime Commissioner Caroline Henry to consultation on review and proposed revocation of the Late Night Levy in Nottingham City Council

The enclosed correspondence has been forwarded to our office in respect of your current consultation on the Late Night Levy. Please note the letter that has been addressed to me, dated 9th May 2022, it was not sent directly to any of the correspondence addresses for my office. In fact, it was only received by our office on Wednesday 15th June 2022 as a result of being forwarded to us from a Nottinghamshire Police officer.

I note that my Chief Executive and Monitoring Officer, Sharon Caddell, has since received direct correspondence from your officer, Paul Dales, via email on Friday 17th June 2022. I also note that this is just two weeks prior to the close of your consultation on 1st July 2022. These late communications have left myself and my office very little time to formulate a considered response to the consultation.

I must express that I am deeply disappointed that, as a key statutory stakeholder and the Police and Crime Commissioner for Nottinghamshire, there has not been a greater effort to communicate with me directly in respect of this matter. I sincerely hope that this is not indicative of a lack of commitment to a partnership dialogue in respect of community safety agenda more generally. I am sure that you will agree that as Police and Crime Commissioner for Nottinghamshire, it is important that I am afforded the opportunity to feed my full and considered response into the current consultation on the Late Night Levy.

As you will be aware, my office has recently commissioned an independent needs assessment to identify issues and opportunities in respect of the night time economy, a copy of which is

Nottinghamshire Police & Crime Commissioner

Forces Headquarters |
Sherwood Lodge Arnold |
Nottingham | NG5 8PP

T 0115 844 5998

E officepcc@notts.police.uk

www.nottinghamshire.pcc.police.uk



attached. This report was shared at the earliest opportunity with all key stakeholders in the City Council, including the licensing committee. I must therefore express my disappointment that despite having contacted various members of the City Council directly regarding the recommendations of the report, we are yet to receive formal acknowledgement of this, or a response to follow up communications from my office sent on 28th April 2022 and 11th April 2022.

The report was commissioned on the basis of ensuring that the Late Night Levy monies are optimised in ensuring that our night time economy is as safe as it can be. This strongly supports the principles of Section 125 (3) of the Police Reform and Social Responsibility Act (PRsRA) 2011, which requires:

- (a) that a licensing authority consider the cost of policing and other arrangements for the reduction or prevention of crime and disorder, in connection with the supply of alcohol between midnight and 6am; and,
- (b) having regard to those costs, the desirability of raising revenue to be applied in accordance with S131 (*payment of specified proportion of that amount, no less than 70%, to the relevant local policing body*)

In addition to a lack of formal acknowledgement of the needs assessment, I was surprised to learn that some officers in the Council had stated that the report had been commissioned without their involvement or prior knowledge. Quite the opposite is true: a significant number of stakeholders (including Heads of Service and some elected members) at City were approached by my office and the consultants, who were commissioned to carry out the needs assessment. Those stakeholders were requested to be involved in the interviews, and indeed a number of them were interviewed and made contributions which have influenced the final recommendations of the report.

I am very committed to discharging my responsibilities in respect of my community safety duty, as conferred by the PRsRA 2011 but currently, it is my perception that I am being frustrated in my efforts by the lack of dialogue and response from Nottingham City Council. I sincerely hope I am mistaken in my perception and would encourage you to reply to this and my other points at your earliest opportunity.

However, in the interests of our collective goal of working toward a safer Nottingham and Nottinghamshire in future, I believe it would be helpful to draw your attention to the recommendations that were developed, based upon stakeholder input and evidence bases, within the needs assessment that has been sent to you, in the summary below:

RECOMMENDATION	ONE OFF COST	ANNUAL COST
Permanent Safe Space	£10,000	£164,000
Boosting volunteer support	£10,000	£2,000
Empowering the NTE Safety Group	N/A	£50,000
Taxi marshals & enhanced enforcement	N/A	£62,000
St James's Street safety measures	£93,920	N/A
Talbot Street modifications and plan	£30,000	N/A
City neighbourhoods BCRP	N/A	£37,700
Enhanced CCTV coverage	N/A	£20,000
Operation Guardian	N/A	£18,000
Communicating the Late Night Levy	N/A	£1,500
TOTAL	£143,920	£355,200

You may recognise that many of the above recommendations build upon the successes achieved through the Safer Streets 3 funding which enabled the excellent and highly innovative work of the Safer Women at Night (SWAN) scheme activities to be commissioned. Indeed, this work incorporated evidence-based initiatives put forward directly by Nottinghamshire's Consent Coalition, including the A-Z of Consent and Help a Friend Campaigns concept and branding of the transport network. The partnership work in Nottingham and Nottinghamshire has received national recognition, including from Director of Public Prosecutions, Max Hill QC, who attended the launch in March 2022.

The night time economy needs assessment provides us with a firm basis for using Late Night Levy monies to best effect and to the collective benefit of the public and businesses within Nottingham City and beyond. However, determining which of the proposals should be taken forward now requires us, as a partnership, to come together and discuss these recommendations and I request that this is done as a matter of urgency. To this end, I have requested confirmation of any unspent monies as well as ongoing commitments funded through the levy and should be able to provide this in the near future, hopefully at a point in time when we meet to discuss this proposal.

It should be noted that it may not be possible to progress these recommendations if the Late Night Levy is not collected in future. I am very concerned that while its revocation might yield a short-term benefit, it would be deeply harmful in the longer term and would stymie our collective efforts in ensuring the vibrant night time economy of Nottingham City is enabled to be as safe and inclusive as possible, for our women and girls, and the more vulnerable residents in our communities.

I regularly monitor the effectiveness and efficiency of our response to night time economy related crime and ASB and the new and emerging issues that have presented, particularly in the emergence from the Coronavirus pandemic. One matter that I have regularly challenged the Chief Constable about is that of feelings of safety after dark, which has been identified as a key issue of concern by local residents, and women and girls in particular, via our quarterly Police and Crime Surveys. I have significant concerns that the absence of revenue raised via the Late Night Levy will thwart mine and the Chief's Constable's efforts to make and keep our City Centre safe.

A further area of concern, if the Levy were to be revoked, is that of the impact and lack of resilience regarding football related violence. The promotion of Nottingham Forest to the Premier League is a wonderful achievement for our City and it will stimulate economic vitality and growth. However, I am told that there is connectivity between football event and violent crime and disorder, including drug taking. I am advised by the police that the majority of fans and spectators are well behaved and go to games to enjoy themselves, but the behaviour of a minority of fans, including violence, criminal damage, drug-taking, intimidation and harassment, and in some cases, exploitation of vulnerable young people, requires an elevated police presence as well as associated response and support interventions to be deployed.

For the reasons set out above, I am opposed to the Late Night Levy being rescinded.

I believe it would be in all our interests and logical if, before any final decision on the levy is made to come together with relevant stakeholders as soon as possible, and to discuss recommendations from the needs assessment. This would ensure that a holistic view of the merits and demerits of the loss of the levy to the people and businesses of Nottingham City can be fully considered.

In the interim, please confirm your receipt of this communication and whether you intend to consider the proposals within the needs assessment. I remain open and committed to dialogue

about how we might work together to ensure a lasting impact is achieved by using current and future Late Night Levy monies to optimal effect.

I hope to hear from you shortly.

Yours sincerely

A handwritten signature in black ink that reads "Caroline Henry". The signature is written in a cursive style with a long horizontal flourish underneath.

Caroline Henry
Nottinghamshire Police & Crime Commissioner



Night Time Levy

Activity Code 34387000

Activity	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	Total
	£	£	£	£	£	£	£	£
Establishment of Street Pastor Safe Spaces in Propaganda and McDonalds, with a small footprint in Rock City.		12,000	12,000	12,000	17,957			53,957
Extension of Street Pastor Safe Spaces			12,000					12,000
It is proposed that the Night Time Levy fund Operation Promote in 2017-18 over 10 weekends where greater risk of alcohol related crime and ASB have been identified.			0					0
Knife arches and knife wands.			1,408					1,408
5 Drinkaware Crew training sessions (for Nottingham Trent University Student Union, Pom Pom, Ink and Prism).			13,307					13,307
Drinkaware Crew type training around spotting vulnerability for Taxi Marshalls and Street Ambassadors (from the BID).			3,000					3,000
Purchase of 1000 online Drinkaware training licenses (badged with OPCC, Nottinghamshire Police and BID logos).			13,800					13,800
'Stay with your pack' marketing campaign (includes washroom posters; Facebook and Instagram campaign – with 1 million impressions in Nottingham; YouTube video – with 35,000 impressions). Other communications available in kind.			20,512					20,512
Banners on Derby Road and Lenton Boulevard to raise awareness of the issue with new and returning students. Introduction of PSPO.			7,500					7,500
Secondment of Local Intelligence Officer			0					0
Evaluation of the effectiveness of LAAA2.			0					0
Development of a City Centre Independent Advisory Group to be consulted on the LAAA2 plan and its impact upon the evening and night time economy. (To cover accommodation and administration).			0					0
Other Projects Cameras			20,000					20,000
ASB Patrols Lenton & Radford areas			0					0
Night Time Economy Review			0					0
Operation Guardian			0					0
Tactical Resources			0					0
Are you OK media campaign			0					0
Test Purchases			0					0
Body worn video (2 units) and laptop for pilot project with security staff (subject to agreement – estimate only)			0					0
Knife Crime Initiative			0					0
Campaign to tackle hate crime in the ENTE – To be costed and agreed			0					0
Additional activity in Lenton and Radford to keep students safe travelling to and from the ENTE (Business case to be done - estimate only)			0					0
Pilot programme for University of Nottingham students to promote consideration when travelling to and from the ENTE (Business case to be done - estimate only)			0					0
Banners (Business case would be needed – estimate only)			0					0
Street Pastors (Business case being written – estimate only)			0					0
Ear Pieces					120			120
TAD LTD VEHICLE MAGNETICS SIGNS					185			185
TAD LTD BADGES					1,130			1,130
TRF TO NIGHT TIME LEVY - REF 547 Community Living Workshops NOTTM					2,400			2,400
TRENT UNI								
Various				35,434				35,434
Operation Guardian						15,000		15,000
Nottingham City Council - CCTV Milton Street							3,892	3,892
Malt Cross							17,788	17,788
NOTTINGHAM BID COMPANY LTD							2,500	2,500
DRUG LAB 118 LTD							760	760
ADAMS ELECTRONICS (INTERNATIONAL) LTD							3,750	3,750
ADAMS ELECTRONICS (INTERNATIONAL) LTD							20	20
DRUG LAB 118 LTD							1,300	1,300
OFFICER PAY							15,000	15,000
STAMP OUT SPIKING COMMUNITY INTEREST COMPANY							1,275	1,275
OFFICER PAY							18,000	18,000
SIX TILL SIX LTD							9,888	9,888
DRUG LAB 118 LTD							1,650	1,650
OFFICER PAY							3,000	3,000
SIX TILL SIX LTD							9,888	9,888
								0
								0
								0
Total Expenditure	0	12,000	103,527	47,434	21,793	15,000	88,710	288,464
Income Received & Estimated to be received in 21/22	160,884	68,221	67,068	67,286	67,900	69,224	0	500,583

Income C/F into 22/23 In Reserves **212,119**

Expenditure per year	
Costs in 16/17	12,000
Costs in 17/18	103,527
Costs in 18/19	47,434
Costs in 19/20	21,793
Costs in 20/21	15,000
Costs in 21/22	88,710
Total Expenditure from 16/17 to 21/22	288,464

Night Time Levy Income:

Income Received:		£
15/16	160,884	
16/17	68,221	
17/18	67,068	
18/19	67,286	
19/20	67,900	
20/21	69,224	
21/22		Still awaiting income to be received from Notts City Council
Total Income	500,583	

		£
Total Income available:	500,583	
Less expenditure up to 31/03/2022	288,464	
C/F 2022/2023	212,119	

Available to spend excluding expected income for 21/22 & 22/23 **212,119**

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Equality Impact Assessment Form

screeintip-sectionA

1. Document Control

Control Details:

Title: If this is a budget EIA please ensure the title is the same as the title used within the budget booklet	Review of Nottingham City Council Late Night Levy Scheme
Author:	Paul Dales
Director:	Andrew Errington
Department:	Community Protection
Service Area:	Licensing
Contact details:	Paul Dales, paul.dales@nottinghamcity.gov.uk Tel: 07983 334708
Strategic Budget EIA: Y/N (Does this EIA have an impact on the budget) If yes, please include the reference number	N Income received from the current Late Night Levy is not Council budget, merely a conduit for collection and transferral of 70% to the Police & Crime Commissioner of the net amount. The Council takes £22k administration costs prior to the net amount being apportioned and the remaining 30% is allocated for Council use for the provision of Community Protection Officers in the Night Time Economy.
Exempt from publication: Y/N (All EIA's are published on Nottingham Insight for public viewing unless specified. Exemption criteria is available on the EIA section on the Intranet)	N

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2. Document Amendment Record:

Version	Author	Date	Approved
V.1	Paul Dales	20 April 2022	

3. Contributors/Reviewers (Anyone who has contributed to this document will need to be named):

Name	Position	Date
Rosey Donovan	Equality and Employability Consultant	25/04/2022

4. Glossary of Terms

Term	Description
LNL	Late Night Levy
NTE	Night Time Economy
BID	Business Improvement District
BAME	Black, Asian and Minority Ethnic
CPO	Community Protection Officer
CCTV	Close Circuit Television
Licensing Committee	The Licensing Committee meets as and when required and consists of 13 Councillors. The Licensing Committee oversees the development and application of the Council’s Licensing Policy ensuring it is in line with the Licensing Act 2003 and Gambling Act 2005. It establishes Licensing Panels and the Special Licensing Panel to determine individual applications for licences in cases where objections have been received and when licences need to be reviewed.

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[screentip-sectionB](#)

5. Summary

(Please provide a brief description of proposal / policy / service being assessed)

<p>Nottingham City Council currently operates a Late Night Levy scheme that was introduced on the 1 November 2014 following the implementation of The Police Reform and Social Responsibility Act 2011. The Late Night Levy scheme is</p>

payable by holders of premises licences issued under the Licensing Act 2003 that have alcohol sales permitted on their premises licences that permits sales of alcohol between 12.00 midnight and 06.00 am.

There are exemptions to paying the Late Night Levy fee for premises licence holders that are:

- Members of the BID Scheme
- Premises with overnight accommodation (if guests at the premises are being served alcohol the premises are not then exempt from the levy)
- Theatres and Cinemas
- Bingo Halls
- Community Premises
- Premises which only being liable to pay the levy by virtue of them being permitted to have alcohol sales on the 1 January each year

The review of the Nottingham City Council Late Night Levy scheme is seeking approval by Licensing Committee on the 6 May 2022 to commence a statutory consultation to revoke the Late Night Levy scheme.

The consultation that takes place will determine the outcome of the scheme and will be brought back to Full Council in September 2022 for a decision to be made. For guidance around consultation please visit <http://intranet.nottinghamcity.gov.uk/analysis-and-insight/>

The pandemic business restrictions' regulations highlighted the financial pressures on businesses and that the revocation of the Late Night Levy could be considered as an approach to reduce that burden. The Invest in Nottingham business growth strategy promotes and supports investment in the City and the Late Night Levy costs may be considered a barrier to incoming or expanding businesses.

The option for removal of the Late Night Levy annual payments reduces the financial burden on licensed trade businesses. The hospitality sector has come under severe pressure in the last 24 months during the pandemic because of the restricted trading conditions. This may assist in the viability of existing businesses but also those considering opening in the city which may by virtue of their planned opening hours be liable for the Late Night Levy fee. This could support revitalising the economy within this business sector.

There are currently 144 Premises in the City boundary that qualify to pay the LNL. These are businesses that operate after midnight and are not BID members. This fact indicates that the LNL now disproportionately impacts on businesses located outside the city

centre in the local community areas where there is a reasonable but non-confirmed assumption that it impacts on the demographic population reflective of these areas. These local businesses are likely to have a characteristic makeup that is predominantly:

- Family owned
- Single premises rather than franchise/multi outlet operations
- Entry level small business operations
- BAME owned enterprises.

The scheme operates under specific legislation as below;

Sections 133 & 134 of the Police Reform and Social Responsibility Act 2011 and the LNL (Application and Administration) Regulations 2012 sets out the statutory procedure that must be followed by the council when making a decision to vary the Late Night Levy.

The Council will be required to publish a notice setting out its intention to make a decision that the Late Night Levy will be amended or cease to have effect in the City. The notice will be publicised and sent to affected licence holders, the Chief Officer of Police and the Police & Crime Commissioner.

Section 133(7)(a) makes it clear that a decision for the Late Night Levy to be amended or cease to have effect can only take effect at the end of the current levy period. In Nottingham's case this will be on 31 October 2022.

[screentip-sectionC](#)

6. Information used to analyse the effects on equality:

(Please include information about how you have consulted/ have data from the impacted groups)

The Review of the Late Night Levy Scheme will be presented to Licensing Committee for approval to commence a consultation with affected Premises Licence Holders, The Chief Officer of Police and the Police and Crime Commissioner.

The results of the consultation will be bought back to Full Council in September 2022 for a decision to be made as to whether to revoke the Late Night Levy scheme.

7. Impacts and Actions:

<u>screenip-sectionD</u>	Could particularly benefit X	May adversely impact X
People from different ethnic groups.	X	<input type="checkbox"/>
Men	X	<input type="checkbox"/>
Women	X	<input type="checkbox"/>
Trans	<input type="checkbox"/>	<input type="checkbox"/>
Disabled people or carers.	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy/ Maternity	<input type="checkbox"/>	<input type="checkbox"/>
People of different faiths/ beliefs and those with none.	<input type="checkbox"/>	<input type="checkbox"/>
Lesbian, gay or bisexual people.	<input type="checkbox"/>	<input type="checkbox"/>
Older	<input type="checkbox"/>	<input type="checkbox"/>
Younger	<input type="checkbox"/>	<input type="checkbox"/>
Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults). <i>Please underline the group(s) /issue more adversely affected or which benefits.</i>	<input type="checkbox"/>	<input type="checkbox"/>

<p style="text-align: right;"><u>screeentip-sectionE</u></p> <p>How different groups could be affected (Summary of impacts)</p>	<p style="text-align: right;"><u>screeentip-sectionF</u></p> <p>Details of actions to mitigate, remove or justify negative impact or increase positive impact (or why action isn't possible)</p>
<p>Provide details for impacts / benefits on people in different protected groups.</p> <p>Note: the level of detail should be proportionate to the potential impact of the proposal / policy / service. Continue on separate sheet if needed (click and type to delete this note)</p> <p>Persons in the groups identified will benefit financially as the requirement to pay a late night levy will no longer exist.</p>	<p>There are no negative impacts on any group with protected characteristics.</p> <p>The review of the Late Night Levy scheme will affect all Premises Licence Holders that hold a Premises Licence issued under the Licensing Act 2003 that permits the sale of alcohol between 12.00 midnight and 06.00 am (unless exempt by virtue of exemptions).</p>

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8. Arrangements for future monitoring of equality impact of this proposal / policy / service:

Should a decision be made at Full Council to revoke the scheme, then a decision to re-introduce the scheme in the City can be made at any time.

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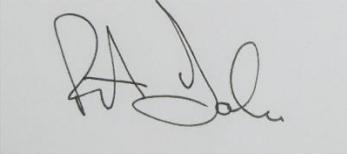
9. Outcome(s) of equality impact assessment:

<input checked="" type="checkbox"/>	No major change needed	<input type="checkbox"/>	Adjust the policy/proposal
<input type="checkbox"/>	Adverse impact but continue	<input type="checkbox"/>	Stop and remove the policy/proposal

10. Approved by (manager signature) and Date sent to equality team for publishing:

<p>Approving Manager: The assessment must be approved by the manager responsible for the service/proposal. Include a contact tel & email to allow citizen/stakeholder feedback on proposals.</p>	<p>Date sent for advice: Send document or Link to: equalities@nottinghamcity.gov.uk</p>
<p>Approving Manager Signature:</p>	<p>Date of final approval: 20 April 2022</p>

Paul Dales
Chief Environmental Health Officer



Before you send your EIA to the Equality and Employability Team for advice, have you:

1. Read the guidance and good practice EIA's
<http://intranet.nottinghamcity.gov.uk/media/1924/simple-guide-to-eia.doc>
2. Clearly summarised your proposal/ policy/ service to be assessed.
3. Hyperlinked to the appropriate documents.
4. Written in clear user-friendly language, free from all jargon (spelling out acronyms).
5. Included appropriate data.
6. Consulted the relevant groups or citizens or stated clearly, when this is going to happen.
7. Clearly cross-referenced your impacts with SMART actions.

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PLEASE NOTE: FINAL VERSION MUST BE SENT TO EQUALITIES OTHERWISE RECORDS WILL REMAIN INCOMPLETE.