

## Equality Impact Assessment Form

### [screentip-sectionA](#)

#### 1. Document Control

##### Control Details:

|   |  |
|---|--|
| Title:  | Review of Nottingham City Council Late Night Levy Scheme   |
| <b>If this is a budget EIA please ensure the title is the same as the title used within the budget booklet</b>  |  |
| Author:   | Paul Dales   |
| Director:   | Andrew Errington   |
| Department:   | Community Protection   |
| Service Area:   | Licensing  |
| Contact details:  | Paul Dales, <a href="mailto:paul.dales@nottinghamcity.gov.uk">paul.dales@nottinghamcity.gov.uk</a> Tel: 07983 334708   |
| Strategic Budget EIA: Y/N<br>(Does this EIA have an impact on the budget)<br><br><b>If yes, please include the reference number</b>   | N<br>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<br>(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  |

#### 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. |

**[screentip-sectionB](#)**

**5. Summary**

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

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

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 sold 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:

| <a href="#">screentip-sectionD</a>   | Could particularly benefit<br>X | May adversely impact<br>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).<br><br><b><i>Please underline the group(s) /issue more adversely affected or which benefits.</i></b> | <input type="checkbox"/>        | <input type="checkbox"/>  |

| <p><a href="#"><u>screen tip-section E</u></a></p> <p><b>How different groups could be affected</b><br/>(Summary of impacts)</p>   | <p><a href="#"><u>screen tip-section F</u></a></p> <p><b>Details of actions to mitigate, remove or justify negative impact or increase positive impact</b><br/>(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.

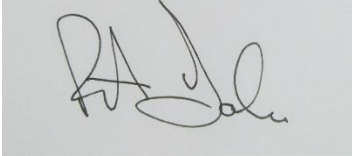
**9. Outcome(s) of equality impact assessment:**

|                                     |                             |                          |                                     |
|-------------------------------------|-----------------------------|--------------------------|-------------------------------------|
| <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:**

|   |   |
|---|---|
| <b>Approving Manager:</b><br>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. | <b>Date sent for advice:</b><br>Send document or Link to:<br><a href="mailto:equalities@nottinghamcity.gov.uk">equalities@nottinghamcity.gov.uk</a> |
| <b>Approving Manager Signature:</b>   | <b>Date of final approval: 20 April 2022</b>  |

|  |  |
|--|--|
| <b>Paul Dales</b><br><b>Chief Environmental Health Officer</b> |  |
|--|--|



**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.

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