

CITY COUNCIL – 14 JULY 2014

REPORT OF THE CHAIR OF THE LICENSING COMMITTEE

LATE NIGHT LEVY

1 SUMMARY

- 1.1 This report seeks approval to implement a Late Night Levy Scheme (the Levy) for the City
- 1.2 The introduction of a Levy allows the Licensing Authority to charge a prescribed fee to any late night alcohol supply venue to help offset the cost of policing the night-time economy.

2 RECOMMENDATIONS

- 2.1 That the Council approves the introduction of a Late Night Levy Scheme in the following terms:-

- The Levy to apply from 1 November 2014,
- to be charged to premises that are authorised to sell alcohol at any time between 00:01 – 06:00.
- There will be 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:
 - (i) Premises with overnight accommodation
 - (ii) Theatres and cinemas
 - (iii) Bingo halls
 - (iv) Community Amateur Sports Clubs
 - (v) Community premises
 - (vi) Premises which are a member of a BID established for relevant purposes
 - (vii) Premises which only become liable for the LNL by virtue of their being permitted to supply alcohol for consumption on the premises on 1st January in every year.
- 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.
- 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 two night time Community Protection Officer posts.

3 REASONS FOR RECOMMENDATIONS

- 3.1 The introduction of a Levy would generate funding to support the Licensing Authority and the Police in dealing with the late night economy.
- 3.2 The justification for the introduction of the Levy in the terms sought is set out in the report to the Licensing Committee dated 23 June 2014 ("the June 2014 report") at paragraphs 2.1 – 2.8. A copy of the June 2014 report and its Appendices 1-8 at Annex A is available via Nottingham City Council's website,

<http://committee.nottinghamcity.gov.uk> and has been deposited in both Group rooms. Alternatively, a copy of all the appendices can be viewed via Constitutional Services on 0115 8763759.

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 4.1 To introduce the Levy without providing an exemption for BID members.
- 4.2 Not to introduce the Levy

5 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 5.1 The Police Reform and Social Responsibility Act 2011 empowers Licensing Authorities to charge a late night levy 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.
- 5.2 On 16th December 2013 the Licensing Committee resolved to consult on a levy scheme. Paragraph 1.3 of the June 2014 report sets out the scope of the scheme which was then proposed and paragraphs 1.4 to 1.5 of the same report detail the consultation process and responses.
- 5.3 On 23 June 2014 the Licensing Committee considered an amended levy scheme. The changes from the original scheme were an exemption from the Levy of BID members whereas previously a 30% reduction had been proposed, and that the implementation date would move from 1 October 2014 to 1 November 2014. The reason for the changes is set out in the June 2014 report at paragraphs 2.4.1 - 2.4.3 and 2.6 respectively. The effect of the income reduction arising from the BID exemption is that the City Council's portion of the funding would be used to establish two rather than three night time Community Protection Officer posts.
- 5.4 The Licensing Committee on 23 June 2014 considered the June 2014 report. An analysis of the consultation responses, the exemption and reduction categories and the viability of the proposed scheme as amended are contained in that report. The Licensing Committee resolved that the proposal to introduce a late night levy scheme in the terms detailed in the Recommendation to this report be referred to Council for approval.

6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

- 6.1 From the information given in the report the following is a summary of the likely financial position;

	<u>2014/15</u>	<u>£</u>	<u>2015/16</u>
Licence fees	(221,097)		(221,097)
Consultation costs etc	20,775		
Running costs	9,220		22,120
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	191,102		198,977
Split between			
Notts Police	133,771		139,284
City Council	57,331		59,693
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	191,102		198,977

- 6.2 The intention is that the City Council will use its share to fund two Community

Protection Officers. The cost of these is £19,691 in 2014/15 and £47,258 in a full year.

7 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS)

7.1 Legal Implications:

The decision as to whether to introduce a LNL is a matter for Council (as Licensing Authority) under the Council's constitution. Preparatory steps prior to this stage are delegated to the Licensing Committee. The history of the Levy proposals including details of the consultation and its responses are set out in this report and the June 2014 report. The legal implications of such a decision are detailed at paragraphs 5.1.1 – 5.1.4 of the June 2014 report.

7.2 Equality and Diversity Implications:

The Levy if introduced would be applied to all venues within the specific times stated unless they came within an exemption.

7.3 Crime and Disorder Act Implications:

The Levy could reduce the ability of the premises involved to work towards reducing crime and disorder by them arguing that they are contributing to the Levy and it is therefore not their responsibility anymore.

If premises choose to close earlier to avoid being liable for the Levy when it is implemented, this could mean far more customers leaving premises at the same time and less staggered closing times

8 EQUALITY IMPACT ASSESSMENT (EIA)

8.1 Has the equality impact been assessed?

Yes – EIA attached

Due regard should be given to the equality implications identified in the EIA.

9 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

9.1 None.

10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

10.1 Late Night Levy Committee Report December 2013

10.2 The Police Reform and Social Responsibility Act 2011.

10.3 The Late Night Levy (Application and Administration) Regulations 2012.

10.4 The Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012.

10.5 Amended Guidance on the Late Night Levy.

**COUNCILLOR BRIAN GROCOCK
CHAIR OF LICENSING COMMITTEE**