

Gambling, Licensing & Regulatory Committee 16 September 2013

Report from the Assistant Director – Housing and Community Safety

Late Night Levy Consultation

Summary

1. The purpose of this report is to inform the Committee of the consultation that is currently taking place in relating to potential introduction of a late night levy within the authorities area.

Background

2. In 2012 the Home Office carried out as 12 week consultation “Dealing with the Problems of Late Night Drinking”, inviting views on two measures in the Police Reform and Social Responsibility Act 2011 (2011 Act), early morning restriction orders and the late night levy. These regulations were implemented on 31 October 2012, supplementing the Licensing Act 2003 (2003 Act). Section 119 (Early Morning Restriction Orders) and Chapter 2 (Late Night Levy) of the 2011 Act.
3. A report regarding early morning restrictions orders and the late night levy was taken to Cabinet on 21 February 2013. Cabinet asked officers to carry out a consultation in relation to the introduction of a late night levy.

Late Night Levy (the levy)

4. The levy will allow licensing authorities to raise a contribution from late-opening alcohol retailers towards policing the late night economy. It is a local power that licensing authorities can choose whether or not to adopt. It must cover the entire local authority area. However the licensing authority can choose the period during which the levy applies, between midnight and 06:00 hrs (the late night supply period).

5. The amount of the levy has been set at a national level. The charge is calculated according to non-domestic rateable value (this system applies to existing licence fees). The charges are:

Band	Annual Levy Charge	Weekly
A no value to £4,300	£299	£5.75
B £4,301 to £33,000	£768	£14.77
C £33,001 to £87,000	£1,259	£24.21
D £87,001 to 12,500	£1,365	£26.25
E £125,001 and above	£1,493	£28.71
Dx2 cat D premises that primarily or exclusively sell alcohol	£2,730	£52.50
Ex3 cat E premises that primarily or exclusively sell alcohol	£4,440	£85.38

6. The net revenue from the levy must be split between the licensing authority and Police and Crime Commissioner (PCC). The licensing authority must pay at least 70% of the net levy revenue to the PCC. The percentage retained by the licensing authority will fund services to tackle late night alcohol related crime and disorder, and services connected to the management of the night-time economy.
7. Licensing authorities are responsible for the design of the levy, this will include, the late night supply period, any exemptions or reductions that may apply and the proportion of the revenue which will be paid to the PCC. The proposed design of the levy currently out for consultation is as follows:
- Date of Introduction - 1 April 2014
 - Late Night Supply Period - Midnight to 6am
 - To exempt the following categories of premises, as defined by section 4 of the Late Night Levy (Expenses, Exemption and Reductions) Regulations 2012, from paying the levy:
 - Premises with overnight accommodation

- Theatres
 - Cinemas
 - Bingo halls
 - Registered community amateur sports clubs
 - Community premises
 - Country village pubs
 - New Years Eve
 - Business Improvement Districts
- Reduction to Fee's - Not to introduce any reductions to the levy.
 - Use of Income
 - 70% of the net levy revenue will be paid to North Yorkshire Police and Crime Commissioner, being the minimum proportion that the authority is required to give it. The remaining 30% will be retained by the Council.
 - The Police and Crime Commissioner has verbally agreed to ring-fence their entire proportion of the levy revenue to jointly address the issues of anti social behaviour and the impact of late night alcohol- related crime and disorder within the City of York.
8. Licensing authorities may consider that it is not appropriate to introduce the levy.

Consultation

9. The Home Office consulted a wide range of people and organisation on their proposals before regulations were implemented. The council are currently carrying out a full consultation in relation to the proposal to introduce the levy. This consultation ends on 31 October 2012. The consultation can be found on the council's website, www.york.gov.uk/latenightlevy a copy of the consultation document is attached at Annex 1. The results of the consultation will be considered by Cabinet on 3 December and Full Council on 12 December 2013.

Options

10. Option 1: Ask officers to include the views of Committee in the report taken to Cabinet on 3 December.
11. Option 2: Ask officers to not put forward a formal response from the Committee.

Analysis

12. York has for many years been held in high regard nationally for the way it manages its night-time economy. To achieve this the council has worked in partnership with the police, other agencies and on occasion the licence trade.
13. If the levy was introduced with a late night supply period of midnight to 06:00 hrs there is potential for a gross income of £286,392.00, with a net income to the licensing authority of £82,781.33.
14. Approximately 262 premises (excluding hotels) within the authorises area are licensed to sell alcohol between midnight to 06:00 hrs. This is broken down by fee bands as follows :

	Midnight – 01:00	01:00 – 02:00	02:00 – 03:00	03:00 – 04:00	04:00 – 24 hrs
Band A	6	3	0	1	2
Band B	91	24	8	5	5
Band C	34	19	5	5	2
Band D	3	4	0	0	1
Band E	9	7	10	1	5
Band Dx2	1	4	3	1	0
Band Ex3	0	1	2	0	0
Total	144	62	28	13	15

15. Some of these premises would be exempt from the requirement to pay the levy.
16. There is also provision within the legislation for licence holders to apply to the licensing authority to reduce their licensable hours for the sale of alcohol, by way of a minor variation for free, so that their hours no longer fall within the late night supply period.
17. When considering the crime related impacts, crime figures provided by Safer York Partnership covering the period January

2012 – December 2012, show that in relation to licensed premises for the proposed late night supply period, that within a 50m radius of the licensed premises within the city:

- 95 have violent crime,
- 130 have ASB and

- 78 have damage related crimes.

18. These premises are located in 12 wards, however 118 of these premises are located within the 2 city centre wards, Guildhall and Micklegate. Out of the 246 licences premises authorised to sell/supply alcohol during the late night supply period 130 are located in Guildhall and Micklegate wards.

Council Priorities

19. The Licensing Act 2003 has 4 objectives: the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
20. The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

Implications

21. The implications arising from this report are:
- **Financial:** The introduction of the levy would generate income for the council and police to assist in managing the late night economy.
 - **Human Resources:** There are no Human Resources implications associated with this report.
 - **Equalities:** There are no Equalities implications associated with this report.
 - **Legal:** There are no legal implications associated with this report
 - **Crime and Disorder:** The introduction of the levy could promote the licensing objective "the prevention of crime and disorder".
 - **Information Technology (IT):** There are no IT implications associated with this report.

- **Other:** There are no other implications associated with this report.

Risk Management

22. There are no known risks associated with this report.

Recommendations

23. That Members approve option 1 and instruct officers to include the views of Committee in the report taken to Cabinet.

Reason: To ensure that the views of the Committee are considered by Cabinet as part of the decision making process for the introduction of the levy.

Contact Details

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**Report
Approved**



Date 22nd August 13

Specialist Officer Implications: None

Wards Affected:

All

Background Papers:

None

Annexes

Annex 1: Late Night Levy Consultation Document