

## Late Night Levy Consultation

York is a vibrant tourist city attracting over 7 million visitors each year, to attractions such as the Minster, the Bar Walls, a number of museums and York Racecourse. There is also a vibrant night-time economy for residents and visitors, with a number of pubs, bars, clubs and restaurants. Footfall cameras indicate that around 14,000 people visit the city centre between 6pm and 5am each week, with the bulk of the night-time activity occurring on Friday and Saturday nights.

Most visitors enjoy themselves safely and responsibly without creating any issues. However, an active night-time economy does bring additional costs for the council, police and other agencies dealing with issues such as crime and disorder, anti-social behaviour and hospital admissions.

One of the options the council has is to introduce a late night levy. Government legislation has given local authorities this option as a potential method to help address policing the late night economy.

The City of York Council as the licensing authority, wishes to consult on its proposal to introduce a late night levy.

If the levy is introduced it would be a charge made to all alcohol licensed premises (pubs, off licences, restaurants, members clubs, etc) that are authorised to supply alcohol during the late night supply period.

The Council's Cabinet has only decided to consult on the proposal at this time. A final decision will be made later in the year. All views received as part of the consultation will be taken into account.

### **1. What is the Late Night Levy?**

- 1.1 The levy is an additional annual fee payable by certain premises that are authorised to supply alcohol during the late night supply period.
- 1.2 The levy would apply to holders of premises licences and club premises certificates which authorise the supply of alcohol during the late night supply period.

1.3 The licensing authority sets the late night supply period, it must begin at or after midnight and end at or before 6am.

## 2. How is the levy designed?

2.1 The licensing authority determines the design of the levy, this includes:

- a) setting the late night supply period (beginning at or after midnight and ending at or before 6am);
- b) deciding what exemptions or reductions will apply;
- c) deciding what proportion of the levy revenue is paid to the Police and Crime Commissioner.

### Exemptions

2.2 The licensing authority may consider that there are some types of premises that will be exempt from the requirement to pay the levy.

2.3 The licensing authority cannot choose the category of premises for an exemption, they are prescribed in regulations.

2.4 The licensing authority are not able to exempt specific premises from the requirement to pay the levy.

2.5 Licensing authorities can decide if any of the following permitted categories of premises should be exempt from the requirement to pay the levy, these are specified in the Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012:

- a) **Premises with overnight accommodation** - a hotel or guest house, lodging house or hostel at which the supply of alcohol between midnight and 6am on any day may only be made to a person –
  - i. who is staying at the premises, and
  - ii. for consumption on the premises;
- b) **Theatres** - a premises at which the supply of alcohol between midnight and 6am on any day may only be made to a person for consumption on the premises who is –
  - i. a ticket holder in relation to a relevant production at the premises,

- ii. concerned in the performance, organisation or management of the relevant production, or
  - iii. invited to the premises as a guest to attend an event to which the public do not have access;
- c) **Cinemas** - a premises at which the supply of alcohol between midnight and 6am on any day may only be made to a person for consumption on the premises who is –
  - i. a ticket holder in relation to the exhibition of a film at the premises, or
  - ii. invited to the premises as a guest to attend an event to which the public do not have access;
- d) **Bingo halls** - premises in respect of which –
  - i. the provision of facilities for the playing of bingo is authorised by a bingo premises licence is granted in accordance with section 163 of the Gambling Act 2005,
  - ii. the holder of the bingo premises licence is authorised to provide facilities for the playing of bingo by virtue of non-remote bingo operating licence granted in accordance with section 74 of the Gambling Act 2005, and
  - iii. the playing of bingo is the primary activity carried on at the premises;
- e) **Community amateur sports clubs** - a club which is registered as a community amateur sports club by virtue of section 658 of the Corporation Tax Act 2010;
- f) **Community premises** – premises in relation to which the premises licence contains the alternative licence conditions (removal of the mandatory designated premise supervisor);
- g) **Country village pubs** - a public house which is a hereditament in respect of which the ratepayer is subject to a non-domestic rate calculated in accordance with section 43(6A) of the Local Government Finance Act 1988;

h) **Business Improvement Districts** - a hereditament in respect of which

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- i. the ratepayer is liable for a BID levy in accordance with section 46 of the Local Government Act 2003, and
  - ii. the BID arrangement in relation to which a BID levy is imposed are established for purposes which include relevant purposes; or
- i) **New Years Eve** - authorised to supply for consumption on the premises between midnight and 6am on 1<sup>st</sup> January in every year (but are not so authorised at those times on any other day in any year).

### 3. **Reductions**

3.1 Licensing authorities may decide that premises whose holders participate in business-led best practice schemes should benefit from a reduction to the amount they are required to pay under the levy.

3.2 Licensing authorities may also offer a reduction to holders in relation to on-trade premises that are in receipt of Small Business Rate Relief, as specified in part 111 of the Local Government Finance Act 1988, and have a rateable value of £12,000 or less. This reduction is only available to holders in relation to premises that supply alcohol for consumption on the premises.

3.3 Eligible premises will received a 30% reduction from the levy.

### 4. **Levy Charges**

4.1 The amount of the levy has been set nationally and depend on the rateable value of the premises. The amounts are: -

Rateable value bands (based on the existing fee bands)	Annual levy charge	Weekly
A – no rateable 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 £125,000	£1,365	£26.25
E - £ 125,001 and above	£1,493	£28.71

D x 2 – multiplier applies to premises in category D that primarily or exclusively sell alcohol	£2,730	£52.50
E x 3 – multiplier applies to premises in category E that primarily or exclusively sell alcohol	£4,440	£85.38

4.2 The levy will be collected annually at the same time as the annual licence fee. For holders who are granted a licence within the levy year the payment year will run from the date of the grant of the licence. Their first payment will be made 14 days after the grant of the licence.

4.3 Any payment of the levy which is owed to the licensing authority can be recovered as a debt due to the authority. Non-payment of the levy can result in suspension of a premises licence or club premise certificate.

## **5. Levy Revenue**

5.1 The licensing authority is entitled to deduct the costs of administering the levy, as prescribed in regulations.

5.2 From the net amount of the levy the licensing authority must pay at least 70% to North Yorkshire Police and Crime Commissioner.

5.3 The licensing authority can retain up to 30% of the net levy revenue to fund services provided connected to the management of the night-time economy.

## **6. Who are we consulting?**

6.1 We must consult with:

- the North Yorkshire Police and Crime Commissioner;
- the North Yorkshire Police Chief Constable; and
- holders of premises licences and club premises certificates that will be affected by the levy.

6.2 We must also publish details of the consultation on the Council's website and in a local newspaper.

6.3 We will also consult with:

- Ward councillors;
- Responsible authorities;

## **The Council's Proposal**

The Council is proposing the following design for the levy:

### **Date of Introduction**

- 1 April 2014

### **Late Night Supply Period**

- Midnight to 6am

### **Exemptions**

- 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.

## **Consultation**

- Consultation will be undertaken for a period of 12 weeks from 8<sup>th</sup> August 2013 to the 31<sup>st</sup> October 2013.

## **Consultation questions**

### **1. We want to get as many views from as many groups as possible please let us know in what capacity you are responding?**

- A premises licence holder
- A club premises certificate holder
- A representative of a premises licence holder
- A representative of a club premises certificate holder
- A national pub company or hotel operator
- North Yorkshire Police and Crime Commissioner
- North Yorkshire Police
- A Ward Councillor
- A York Resident
- A visitor to the city
- A Responsible Authority
- Other (please specify)

**2. What are the key issues you feel the council and its partners should be addressing to improve the late night economy for everyone in the city?**

**3. If you are responding as a York Resident do you currently use the city centre in the evening/at night? Tick all that apply**

Yes – early evening only (5 – 7pm)

Yes – evening (7pm – midnight)

Yes – late night (midnight – 6am)

Do not use the city after 5pm

**3a. If you answered that you don't use the city centre at night, what would encourage you to do so?**

**4. As a York Resident do you use licensed premises outside of the city centre, but still within York, that are open after midnight?**

Yes

No

**5. Would you support the introduction of a late night levy in York where the income generated is focused on addressing the impact of alcohol on the late night economy?**

Yes

No

**5a. If 'No' please provide comments.**

**6. The late night levy is normally set between midnight and 6am, do you think this is the right period to address issues in the city?**



Yes

No

**6a. If 'No' what do you believe the late night supply period should be?**

- 1am – 6am
- 2am – 6am
- 3am – 6am
- 4am – 6am
- 5am – 6am
- Other (please specify)

**6b. What are your reasons for preferring the option you selected?**

**7. A number of premises types would be exempt from paying the levy do you agree with these categories?**

- Premises with overnight accommodation
- Theatres
- Cinemas
- Bingo halls
- Registered community amateur sports clubs
- Community premises
- Country village pubs
- New Years Eve
- Business Improvement

Yes

No

**7a. What are your reasons for this?**

**8. The council has not proposed to introduce any reductions form business led best practice schemes. Do you agree with this proposal?**

Yes                      No                      No opinion

**8a. Do you have any ideas which would help us implement best practice across the sector?**

**9. The council has not proposed to introduce any reductions for premises in receipt of small business rate relief. Do you agree with this proposal?**

Yes                      No                      No opinion

**9a. What are your reasons for this?**

**10. If you are a premises licence or club premises certificate holder are you likely to be subject to the levy?**

Yes                      No                      Don't know

**11. The amount of the levy has been set nationally and the majority of licensed premises in York would be classed as Band B. This would be a charge of around £15 per week. Do you feel this is a reasonable amount?**

Yes                      No                      No opinion

**12. If a levy is introduced how do you think it could be best spent?**

The council can only spend money on the reduction or prevention of crime, the promotion of public safety, the reduction or prevention of public nuisance, and cleaning of any relevant highway or relevant land in its area.

**In order to help us ensure we receive views from a wide range of businesses and other interested parties, please provide your personal details:**

Full name:

Full address:

Telephone number:

Email address:

**What age are you?**

18 – 25 years

36 – 45 years

60 and over

26 – 35 years

45 – 60 years

prefer not to say

The council cannot guarantee that any information that you pass to us can be treated as confidential. The council is subject to a number of regimes that affect disclosure, including the Local Government (Access to Information) Act 1985, the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

Your response could be included within any follow up report, classed as background papers, that would be open to public inspection.

