

<b>11 October 2012</b>		<b>ITEM: 7</b>
<b>Licensing Committee</b>		
<b>LATE NIGHT LEVY</b>		
<b>Report of: Paul Adams, Principal Licensing Officer</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> key	
<b>Accountable Head of Service:</b> Lucy Magill, Head of Public Protection		
<b>Accountable Director:</b> Jo Olsson – Director of People Services		
<b>This report is Public</b>		
<i>If the report, or a part of this, has been classified as being either confidential or exempt by reference to the descriptions in Schedule 12A of the Local Government Act 1972, it is hereby marked as being not for publication. The press and public are likely to be excluded from the meeting during consideration of any confidential or exempt items of business to which the report relates.</i>		
<b>Date of notice given of exempt or confidential report:</b> not applicable		
<b>Purpose of Report:</b> To introduce and consider the power to introduce a Late Night Levy brought about by the Police Reform and Social Responsibility Act 2011.		

## **EXECUTIVE SUMMARY**

The Police Reform and Social Responsibility Act 2011 brought about the power to introduce a Late Night Levy, enabling licensing authorities to raise a contribution from late-opening alcohol suppliers towards the cost of policing the night time economy.

This report sets out the new power and the option to investigate further the need to implement the Late Night Levy in Thurrock.

### **1. RECOMMENDATIONS:**

#### **1.1 That the Committee -**

- (a) Licensing Committee note the changes to the Licensing Act 2003 brought about by the Police Reform and Social Responsibility Act 2011 in the form of the introduction of the power to implement a Late Night Levy to help off-set the**

**cost of managing adverse impacts of the night time economy.**

- (b) Officers consult with the Responsible Authorities seeking their views on the impact of the late night economy in Thurrock and the potential of the Late Night Levy to address any issues identified.**
- (c) A further report be presented to the Licensing Committee should a credible case for a late night levy be made following consultation with the Responsible Authorities.**

## **2. INTRODUCTION AND BACKGROUND:**

- 2.1 The Police Reform and Social Responsibility Act 2011 introduced some amendments to the Licensing Act 2003, one such amendment is the Late Night Levy which will come into force on the 31<sup>st</sup> October 2012.
- 2.2 These changes were brought about following parliament recognising that the night time economy can have adverse impacts on local communities including noise, litter and alcohol related crime and injury, and the management of these impacts has a cost for public services.
- 2.3 The Late Night Levy will enable licensing authorities to raise a contribution from late-opening alcohol suppliers towards policing the night time economy.
- 2.4 Existing powers under the Licensing Act 2003 allow for individual problems to be addressed at individual existing premises, the levy will empower local areas to charge businesses that supply alcohol late into the night for the extra enforcement costs that the combined night-time economy generates for the police and licensing authorities.

## **3. ISSUES, OPTIONS AND ANALYSIS OF OPTIONS:**

- 3.1 The power to apply a Late Night Levy is discretionary, with each licensing authority choosing whether or not to exercise this power.
- 3.2 If applied the levy must cover the whole borough. The period during which the levy applies every night between midnight and 6am can be set by the authority.
- 3.3 Any premise that chooses not operate in the levy period will be able to make a free minor variation to their licence before the levy is introduced to reduce their trading hours outside that the levy will apply.
- 3.4 Licensing authorities would have the discretion to offer and exemption from the levy to the following categories of premises:
  - Premises with over night accommodation
  - Theatres and cinemas

- Bingo halls
- Community amateur sports clubs
- Community premises
- Country village pubs
- Business improvement districts
- Premises that open late only on New Years Eve.

Further guidance on exemptions is expected to be published some time in October 2012.

- 3.5 It is for the licensing authority to decide whether or not to apply a levy, but before this can be done the authority must consult with:
- The relevant local policing body
  - The relevant chief officer of police
  - Holders of relevant late night authorisations.
- 3.6 The amount of late night level has been set nationally; the charge is calculated according to rateable value, as is the annual licence fee. The following charges will apply to the levy:

Rateable Value band	Annual Levy Charge
A - £0 - £4,300	£299
B - £4,301 - £33,000	£768
C - £33,001 – £87,000	£1,259
D - £87,001 - £125,000	£1,365
E - £125,000 & above	£1,493
band D with multiplier	£2,730
band E with multiplier	£4,440

- 3.7 Licensing authorities will have the discretion to offer a 30% reduction from the levy to premises that are either a member of a best practice scheme which may include Pub Watch, Behave Or Be Banned (BOBB), or in receipt of Small Business Rate Relief and have a rateable value of less than £12,000. Further guidance is expected to be published in October 2012.
- 3.8 The police will receive at least 70% of the net levy revenue and the licensing authority can retain up to 30% of the net revenue. The licensing authority may deduct permitted administration, collection and enforcement costs from the gross levy revenue.
- 3.9 There will be restriction on the types of services that the licensing authority can fund with the levy revenue to ensure that the levy is spent on tackling alcohol related crime and disorder and services connected with the night time economy.

**4. REASONS FOR RECOMMENDATION:**

- 4.1 To seek Members' views on the need for the need for a late night Levy to be applied across Thurrock and if further investigation or the option should be undertaken.

**5. CONSULTATION (including Overview and Scrutiny, if applicable)**

- 5.1 At this stage no consultation has been required, if members agree with the recommendations of the report any consultation undertaken would be as prescribe within the legislation and outlined in this report.

**6. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT**

**7. IMPLICATIONS**

**7.1 Financial**

Implications verified by: **Michael Jones**  
 Telephone and email: **01375 652277**  
**mxjones@thurrock.gov.uk**

This Levy will be an additional cost for the business community of Thurrock which will have some impact on their business, the income that Thurrock Council would receive will have to be ring fenced and used only in the areas detailed within the report. Further consideration to the allocation of money will be required and any further reports.

**7.2 Legal**

Implications verified by: **David Lawson**  
 Telephone and email: **01375 652087**  
**david.lawson@bdlegal.org.uk**

If the licensing authority decides to implement the levy it must formally consult the Police and Crime Commissioner, the police, licence holders and others about its decision. Failure to do so and being able to fully justify its decision in imposing a Late Night Levy could result in legal challenge

**7.3 Diversity and Equality**

Implications verified by: **Billy Masters**  
 Telephone and email: **diversity@thurrock.gov.uk**  
**01375 652472**

The Introduction of a levy in accordance with the legislation will not have any adverse impact on any particular section of the community. Exemptions to the fee exists as prescribed in the legislation.

7.4 **Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental**

**BACKGROUND PAPERS USED IN PREPARING THIS REPORT (include their location and identify whether any are exempt or protected by copyright):**

- Licensing Act 2003
- Police Reform and Social Responsibility Act 2011.
- Guidance issued by the Home office on the Late Night Levy

**APPENDICES TO THIS REPORT:**

- None

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