

BRECKLAND DISTRICT COUNCIL

Report of: Rob Walker - Assistant Director of Commissioning

To: Licensing Committee

Author: Fiona Inston – Licensing and Business Support Manager

Subject: Late Night Levy

Purpose: To advise the Committee on the power to introduce The Late Night Levy

Recommendation(s):

This report is for information only.

1.0 BACKGROUND

- 1.1 The Late Night Levy (the levy) is a power conferred on Licensing Authorities by provision of Chapter 2 Part 2 of the Police Reform and Social Responsibility Act 2011 and came into effect on 31 October 2012.
- 1.2 The change enables Licensing Authorities if they choose to exercise this power to charge a levy to persons who are licensed to sell alcohol (on and off trade) late at night in the authorities area as a means of raising a contribution towards the costs of policing the late-night economy.
- 1.3 The levy will be payable by the holders of any premises licence or club premises certificate in relation to premises in the whole district, which authorise the sale or supply of alcohol on any days during a period (the late night supply period) beginning at or after midnight and ending at or before 6am. The Licensing Authority can decide the times within the late-night supply period at which the levy will apply (which must be the same every day). The late night supply period cannot apply on different days or times.
- 1.4 The levy does not apply to Temporary Event Notices.
- 1.5 The Regulations prescribe category exemptions from the levy and it is for the Licensing Authorities to decide based on its knowledge of the night time economy which categories should be exempt from contributing towards the levy. The categories specified in the Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012 include; Premises with overnight accommodation, Bona-fide theatres and cinemas, Bingo halls, Community Amateur Sports Clubs, Community Premises, Country Village pubs (within a designated rural settlement with a population of less than 3,000), premises which have a relevant late night authorisation for New Years Eve and Business Improvement Districts.
- 1.6 Money collected from the revenue must be split between the Licensing Authority and the Police Crime Commissioner. The Licensing Authority must pay at least 70 per cent of the net levy revenue to the police. There are no

restrictions on what the police's portion of the levy revenue can be spent on, however this should be made transparent and it is recommended that discussions should take place between both authorities to discuss the police intentions for their share of the levy revenue.

- 1.7 The Licensing Authority will retain up to 30 per cent of the revenue to fund services it provides to tackle late night alcohol-related crime and disorder and services connected to the management of the late night economy. Costs incurred in connection with the introduction, administration and enforcement of the levy may be deducted prior to the levy revenue being apportioned between the police and the Licensing Authority.

2.0 ISSUES

- 2.1 The Licensing Authority if they are to consider introducing a levy should discuss the need for a levy with the Chief Officer of Police and the Police and Crime Commissioner.
- 2.2 Local residents can put forward their view and call for the implementation or not of the levy in their area.
- 2.3 The Licensing Authority should consider whether the levy would generate enough revenue to make it a viable option based on the number of premises licensed to sell alcohol during the late night supply period.

3.0 OPTIONS

- 3.1 The Licensing Committee is requested to consider the contents of this report and be fully aware of the decision making process and criteria as necessary when looking at the option of whether to introduce a levy across the district.
- 3.2 A decision to introduce the levy should be referred to Full Council for approval.

4.0 REASONS FOR RECOMMENDATION

- 4.1 It is essential that members of the Licensing Committee are aware of the new powers for Licensing Authorities formed through the Police Reform and Social Responsibility Act 2011 to decide whether to consider introducing the Late Night Levy.

5.0 EXPECTED BENEFITS

The benefit is to provide members of the Committee of the Licensing Authority an update on significant legislative changes and the powers conferred to the Licensing Authority which may be relevant in further policy work or committee hearings associated with the Licensing Act 2003.

6.0 IMPLICATIONS

6.1 Legal

- 6.1.1 A decision to introduce a Late Night Levy made by the Licensing Authority may be subject to legal challenge.

6.2 Risks

6.2.1 Licensing Authorities should be aware that any financial risk for example lower than expected revenue, rests at a local level and should be fully considered prior to implementation.

6.3 **Financial**

6.3.1 The Licensing Authority will need to decide whether or not it believes it has a viable proposal to introduce the levy before incurring the costs associated with the formal consultation process.

6.4 **Timescales**

6.5 The Late Night Levy power came into effect on 31 October 2012

6.6 **Equality and Diversity**

6.6.1 None

6.7 **Stakeholders/Consultation**

6.7.1 None

6.8 **Contracts**

6.8.1 None

6.8.1 **Section 17, Crime & Disorder Act 1998**

6.9.1 None

6.9 **Other**

6.10.1 An amendment to Breckland District Council's Statement of Licensing Policy to reflect these changes will be necessary.

7.0 **Wards/Communities Affected**

7.0.1 All

Background papers:-

Licensing Act 2003: www.legislation.gov.uk/ukpga/2003/17/introduction

The Police Reform and Social Responsibility Act 2011 – Part 2 Licensing:
www.legislation.gov.uk/ukpga/2011/13/part/2/enacted

The Late Night Levy (Application and Administration) Regulations 2012:
www.legislation.gov.uk/uksi/2012/2730/contents/made

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Director/Officer who will be attending the Meeting

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Appendices attached to this report:

None