

**LATE NIGHT LEVY – REPORT FOLLOWING THE END OF YEAR 3****LICENSING COMMITTEE****9 DECEMBER 2020****CLASSIFICATION:****Open****If exempt, the reason will be listed in the main body of this report.****WARD(S) AFFECTED****All Wards****ACTING GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING****AJMAN ALI****1. INTRODUCTION**

- 1.1 This report has been prepared to provide the Licensing Committee with an update on the Late Night Levy (“the Levy”) following the end of the third year of its operation on 31 October 2020.
- 1.2 This Appendix sets out how the Levy is being used to promote the licensing objectives whilst protecting our residents, communities and nightlife spaces from antisocial behaviour and crime. This includes through additional police and council enforcement officer patrols across the borough, CCTV, radio link-up facilities and investment in a programme of prevention, training and engagement activities.
- 1.3 The Council continues to work collaboratively with partners to ensure that our night time economy is safe, inclusive and well managed and as such the

allocation of levy funds has sought to take into account resident and licensee concerns.

## **2. RECOMMENDATION(S)**

### **2.1 The Licensing Committee is asked:**

- (i) to note the contents of the report and the Appendix**

## **3. BACKGROUND**

- 3.1 The late night levy (“the levy”) is a discretionary power, conferred on licensing authorities by provision in Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”). This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority’s area, as a means of raising a contribution towards the costs of policing and management of the late night alcohol related economy.
- 3.2 The Council consulted on the introduction of the Levy in 2017. And, following a recommendation by the Licensing Committee, Full Council decided to introduce the Levy at its meeting on 26 July 2017. The effective date of the Levy was 1 November 2017.
- 3.3 The legislation requires the net revenue to be split with at least 70% allocated to the Police and the remainder retained by the Licensing Authority.
- 3.4 Appendix 1 reports on the income and in expenditure in Year 3, the balance carried from previous years and the planned activities for Year 4.

## **4. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES**

- 4.1 This report has been prepared to provide the Licensing Committee with an update on the Late Night Levy (“the Levy”) following the end of the second year of its operation.
- 4.2 The Council would be entitled to retain up to 30% of income receipts after deducting administration costs and exemptions. The eventual percentage allocation and the use of the Police’s income share will be agreed in negotiations with the Chief Police Officer and MOPAC.

- 4.3 The Licensing service has recorded £272,176 for the 12 month period commencing 1 November 2019 (Year 3).
- 4.4 In Year 3 (1 November 2019 to 31 October 2020), the Council utilised £21k from the Levy for administration and operational costs, and the Licensing Service has proposed a further £41k from the Levy as a contribution to the cost of Enforcement Patrols. The utilisation funds in the current and future years will be assessed by the Management Board.
- 4.5 Appendix 1 presents a table of income and expenditure presenting a balance of £762,704 which consists of £490,528 carried forward from Years 1 and 2 and £272,176 received in Year 3. Section 5.3 in the appendix outlines the utilisation of these funds in Year 3 and the forecast for Year 4.

## **5. COMMENTS OF THE DIRECTOR OF LEGAL SERVICES**

- 5.1 The introduction of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”) allowed the Council to raise revenue to tackle the problems of crime and disorder that are caused by the night time economy by imposing a Late Night Levy (“the Levy”) on those premises that are licensed for alcohol sales between midnight and 6.00 am. The powers to introduce the Levy come specifically within the 2011 Act and not by way of an amendment to the Licensing Act 2003.
- 5.2 The Council adopted the Late Night Levy in accordance with s125 (2) of the Act 2011 on 26 July 2017. The Levy took effect from 1 November 2017.
- 5.3 Any levy imposed currently applies to all those in the borough that hold a licence to supply alcohol for the operational hours of the Levy.
- 5.4 The legislation states that no less than 70% of the revenue raised must be given to the local policing body for the purpose of reducing or preventing crime and disorder. The accompanying regulations stipulate that the revenue retained by the Local Authority, which can be no more than 30%, must be used on matters relating to crime and disorder, public safety, public nuisance and the cleaning of any relevant land or highway as a result of the NTE.
- 5.5 The 2011 Act does not prohibit the Local Authority and Police agreeing a separate agreement relating to the funds raised for the Police. As such the police can then allocate their share of the levy back to the council to support local initiatives.

- 5.6 The Late Night Levy Board (“the Board”) has also been established to advise and oversee how the levy monies are to be spent. However, the Board has no actual decision making powers and will be providing recommendations to the relevant officer to determine how the levy monies should be spent.
- 5.7 The levy applies indefinitely until the Council decides that the levy will cease to apply in its area. This would require consultation prior to any decision being made.

**APPENDICES;** Appendix 1 - Report on the Late Night Levy following the end of Year 3

**EXEMPT**

Not applicable.

**BACKGROUND PAPERS**

None.

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