

CHANGE TO THE TERMS OF THE LATE NIGHT LEVY	
COUNCIL 20 OCTOBER 2021 LICENSING COMMITTEE 9 SEPTEMBER 2021	CLASSIFICATION: OPEN If exempt, the reason will be listed in the main body of this report.
WARD(S) AFFECTED ALL WARDS	
GROUP DIRECTOR AJMAN ALI, NEIGHBOURHOODS AND HOUSING	

1. SUMMARY

- 1.1 This report has been prepared to provide the Council with an update on a change to the terms of the Late Night Levy (“the Levy”) and the consultation held that took place from 2nd June to 24 July 2021.

2. RECOMMENDATION(S)

- 2.1 That the Council:

Approves the amendment to the terms of the Late Night Levy to enable a 30% reduction for ‘Hackney Nights’ accredited licence holders that takes effect from 1 November 2021, and the Council notes the report and the appendices.

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 the late-night economy.

- 3.2 The amount of Levy payable varies depending on the non-domestic rateable value of the premises. Premises in the lowest fee band pay £299 annually, whilst those in the highest pay £1493 annually.
- 3.3 The Council consulted on the introduction of the Levy from 13 February 2017 until 7 May 2017. And following a recommendation by the Licensing Committee on 21 June 2017, the Council decided to introduce the Levy at its meeting on 26 July 2017. The effective date of the Levy was 1 November 2017.
- 3.4 The Levy was introduced without any scope for exemptions or reductions. This change to the terms of the Levy would now allow for a reduction in the amount payable by businesses that are members of a relevant best practice scheme and will be in accordance with the Late Night Levy (Expenses Exemptions and Reductions) Regulations 2012.
- 3.5 The Levy can be used to promote and support participation by premises in business-led best practice schemes. Eligible premises will receive a 30% reduction from the levy.
- 3.6 The Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012 sets out that any best practice scheme should meet the following benchmarks:
 - A clear rationale as to why the scheme's objectives and activities will, or are likely to, result in a reduction of alcohol-related crime and disorder.
 - A requirement for active participation in the scheme by members.
 - A mechanism to identify and remove in a timely manner those members who do not participate appropriately.
- 3.7 Locally, a "Hackney Nights" accreditation scheme is to be established which will act as the accreditation scheme, meeting the benchmark criteria set out above.
- 3.8 At its meeting on 9 September 2021, the Licensing Committee recommended that the Council approve the change to the terms of the Levy to enable a 30% discount for 'Hackney Nights' accredited businesses.

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

- 4.1 This report has been prepared to provide the Council with an update on changing the terms of the Late Night Levy ("the Levy") and the consultation held.
- 4.2 Licence holders that meet an accredited standard would be eligible for a 30% reduction in the annual levy amount payable. Therefore the amount of funding

available for activities would be reduced in proportion to the number of accredited businesses from Year 5 onwards. However, it is not possible to know this amount at the present time as this is a change to the terms of the Levy. This will be monitored as an ongoing exercise.

5. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE SERVICES

- 5.1 The Licensing Service is recommending for approval in paragraph 2.1 to amend the Late Night Levy that will provide the power to permit a 30% reduction for 'Hackney Nights' accredited licence holders.
- 5.2 The Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012 relate to the application of the Late Night Levy ("the Levy"). The framework for the levy is set out in Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 ("the 2011 Act"). This framework enables licensing authorities to introduce a late night levy in its area if it considers it desirable to raise revenue in relation to the costs of policing crime and disorder connected to the supply of alcohol in that area between midnight and 6am.
- 5.3 Where the levy is introduced, it is payable by holders of premises licences or club premises certificates which authorise the supply of alcohol at times beginning at or after midnight and ending at or before 6am (the licensing authority may determine the times but these must be the same each night). Section 126(2) of the 2011 Act defines such licences and certificates as relevant late night authorisations.
- 5.4 The framework for the levy confers a number of powers on the Secretary of State to prescribe by regulations a number of matters relating to the administration or application of the levy. These matters include the basis on which licensing authorities may deduct their expenses of administering the levy from levy receipts, and the categories of holders of relevant late night authorisations which the licensing authority may decide are exempt from the levy ("permitted exemption categories") or are afforded a reduction to their liability for the levy ("permitted reduction categories").
- 5.5 Regulation 3 prescribes the descriptions of expenses which a licensing authority may deduct from levy receipts for the purpose of calculating the net amount of levy payments for any levy year.
- 5.6 Regulation 5(1) of the Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012 provides for the purposes of section 135(1)(b) of the Act, permitted reduction categories are holders of relevant late night authorisations—
 - (a) who are members of a relevant arrangement; or
 - (b) in relation to premises, at which the authorisation permits the supply of alcohol for consumption on the premises only.

5.7 Regulation 5(2) of the Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012 provides the amount of the Late Night Levy payable by the holder of a relevant late night authorisation who falls within a permitted reduction category is reduced by 30%.

5.8 Under paragraph 3.1.1 (3) of Part 3 of the Constitution provides that Full Council may exercise the function to approve or adopt such policies that form part of the policy framework in this case Hackney Nights Late Night Levy.

APPENDICES

Appendix 1 - Late Night Levy 2021 Consultation Report

EXEMPT

Not applicable.

BACKGROUND PAPERS

Not applicable

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