

LICENSING COMMITTEE

13 MARCH 2012

REPORT OF HEAD OF REGULATORY SERVICES

POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011 CONSULTATION ON LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDERS.

1.0 PURPOSE OF REPORT

- 1.1 To advise members of a Home Office Consultation on secondary legislation for the late night levy and early morning restriction orders under the Police Reform and Social Responsibility Act 2011.

2.0 RECOMMENDATIONS

- 2.1 **Members are asked to provide their views on this consultation to enable them to be considered as part of the response from Melton Borough Council.**

3.0 KEY ISSUES

- 3.1 The Home Office has produced a document entitled 'Dealing with Late Night Drinking' This is consultation on the secondary legislation for the late night levy and early morning restriction orders, and how these proposals should be implemented through regulations. The consultation period ends 10 April 2012. This consultation document is attached at Appendix A.
- 3.2 Alcohol related crime and disorder is a serious problem for many communities. In 2010/11 almost 1 million violent crimes were alcohol related and many violent crime victims believed the offender to be under the influence of alcohol, with the police having to fund and provide resources to fight alcohol related crime and disorder.
- 3.3 The Government believes that problems in the night time economy should be addressed locally and wants to give the Police and Local Authorities the right tools to address alcohol related problems in their area, whilst promoting a vibrant night time economy to benefit communities and businesses.
- 3.4 These late night levy and early morning restriction orders are proposed by Government as a tool to achieve this aim. The majority (64%) of violence occurs in the evening or at night and one fifth of all violent incidents take place in or around a pub or club
- 3.5 Where there is a vibrant late night economy with premises staying open into the early hours of the morning the local authorities will have the flexibility to charge for a contribution towards any costs of extra policing that this generates. It is seen as appropriate that premises should share in these costs.
- 3.6 This consultation seeks views on what categories of premises should enjoy exemptions and reductions under both measures. Government does not want to unfairly penalise premises that may be open late but do not contribute to problems in the night time economy. These include, hotels and bed and breakfasts which serves only guests. These types of premises are proposed as one of the categories of exemption.
- 3.7 Where it is appropriate for the promotion of the licensing objectives, a licensing authority may make an Early Morning Restriction Order to prohibit the sale or supply of alcohol between a time specified between midnight and 6am. This can specify days, times or areas to which it may apply and whether temporary or not. These may contain exemptions.
- 3.8 Times specified on an order would override the times on licences.

- 3.9 The Late Night Levy is the power to charge for premises that have a late alcohol licence. Whether or not to implement the levy will be left to each Licensing Authority based upon the situation in their local area. The Levy must apply to the whole of the Local Authority area, the Licensing Authority may determine the time of day between midnight and 6 am during which the late night levy may apply.
- 3.10 After administration costs the levy will be split between Police (minimum 70%) and Licensing Authority (minimum 30%) the amount payable will be determined by the Home Office. Proposed amounts are:

Rateable Value bands	Rateable Value	Existing annual fee	Proposed levy charge
A	0 - £4,300	£70	£299
B	£4,301 – 333,000	£180	£768
C	£33,000 - £87,000	£295	£1,295
D	£87,000 - £125,000	£320	£1,365
E	£125,000 and above	£350	£1,493

- 3.11 The Home Office is introducing this power because late night economy problems are particularly costly for the tax payer due to the increased need for Police presence on the streets. The Home Office believes that these businesses who profit by selling alcohol in the late night economy should contribute towards these costs rather than relying on the tax payer.
- 3.12 Licensing authorities may decide that a late night levy is to be applied to their area after considering:
- a. Policing and other costs for reducing or preventing alcohol related crime and disorder between midnight and 6 am.
 - b. The desirability of raising revenue in accordance with regulation, of which not less than 70% must be applied to the local police body after relevant expenses are deducted.
- 3.13 A full consultation would have to be carried out locally before any orders could be made.
- 3.14 Early Morning Restriction Orders can only be made by Full Council and cannot be delegated to Licensing Committee or to Officers.
- 3.15 The main questions from the Consultation document can be summarised as follows:
- a. Should New Year's Eve be exempt from EMRO or levy.
 - b. What types of premises should be exempt from EMRO or levy.
 - c. In what circumstances should there be an exemption or reduced rate for the levy?
 - d. What activities should Local Authorities be able to fund from the retained portion of the levy? eg Taxi Marshalls and street cleaning.

4.0 **POLICY AND CORPORATE IMPLICATIONS**

4.1 There are no direct implications arising from this report. Any changes that arise from the legislation and future implementation of it by Melton Borough Council will be reflected in the Statement of Licensing Policy.

5.0 **FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

5.1 There are no financial implications arising directly from this report. Further analysis would be needed to ascertain whether the proposals would generate more income or whether the possible exemptions would make any financial gain negligible.

6.0 **LEGAL IMPLICATIONS/POWERS**

6.1 Consultation only at this stage.

7.0 **COMMUNITY SAFETY**

7.1 The Government's intention, with these measures, is to reduce crime and disorder in the night time economy.

8.0 **EQUALITIES**

8.1 There are no equalities issues arising from this report.

9.0 **RISKS**

9.1 At this stage the risks identified would be negative press and vehement objections from businesses operating in the night time economy. This could be mitigated by full consultation if Melton Borough Council decides to implement either of these measures.

10.0 **CLIMATE CHANGE**

10.1 There are no matters relating to climate change.

11.0 **CONSULTATION**

11.1 The Licensing Officer will respond to this consultation after listening to member's views.

12.0 **WARDS AFFECTED**

12.1 All wards.

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Appendices : None.