

To: Licensing and Gambling Acts Committee

Date: 22 February 2012 **Item No:**

Report of: Head of Environmental Development

Title of Report: Proposals to examine how to deal with the problems of late night drinking

Summary and Recommendations

Purpose of report: To consider and respond to the Government's Consultation on its proposals to deal with "the problems of late night drinking".

Report Approved by:

Finance: Emma Burson

Legal: Daniel Smith

Policy Framework: Statement of Licensing Policy

Recommendation(s):

- (a) To consider the information contained in this report and delegate authority to the Head of Environmental Development to draft a response based on Committees views and present to the Chair and Vice-Chair for final approval before submitting to the Home Office.

INTRODUCTION

1. On 17th January 2012, the Government through the Home Office issued a consultation entitled "dealing with the problems of late night drinking", and seeking to examine the introduction of two new powers, which were consulted on as part of the 'Rebalancing the Licensing Act' consultation in 2010, and introduced in the Police Reform and Social Responsibility Act 2011.
2. The two measures, contained in the Police Reform and Social Responsibility Act 2011 and due to be introduced in the autumn, will empower local communities by:
 - allowing local authorities to charge a Late Night Levy to licence holders to contribute to the cost of extra policing; and
 - extending Early Morning Restriction Orders – a power that will allow licensing authorities to restrict the sale of alcohol in all or part of their areas – to any time between midnight and 6am.

3. In the foreward to the Consultation, written by Lord Henley, Minister of State for Crime Prevention and Antisocial Behaviour Reduction, it is stated that “The Government is committed to ensuring that the police and local authorities are given the right tools to address the alcohol-related problems in their area, whilst promoting a vibrant night-time economy to benefit business and the community that they serve.”
4. The Minister continues “Where there is a vibrant late night economy, with premises remaining open into the early hours, then the local authority should have the flexibility to charge for a contribution towards any additional policing that this generates. Tax payers should not simply be left to pick up this cost. People who enjoy a night out often visit a variety of premises and it is appropriate that the costs are shared between these businesses”.
5. The consultation runs until 10th April 2012, and the Impact Assessment relating to the proposals is attached as **Appendix One**, and the Consultation Document is attached as **Appendix Two**.

Late Night Levy

6. The Late Night Levy will allow licensing authorities to raise a contribution from late-opening alcohol retailers towards policing the late night economy.
7. Whether or not to implement the levy will be left entirely at the discretion of the licensing authority that will make the decision based on the situation in their local area.
8. The licensing authority will also be allowed to choose the period during which the levy applies (any time between midnight and 6am on each night).
9. If introduced, the levy will be collected annually and the revenue will be split between the licensing authority and the police. At least 70 per cent of the levy will go directly to the police, with the remainder retained by the local authority.
10. The proposed Late Night Levy charges are set out below:

Licence fee band	A	B	C	D	Dx*	E	Ex*
Rateable value	£0 - £4,300	£4,301 to £33,000	£33,001 to £87,000	£87,001 to £125,000		£125,001 and above	
Existing annual licence fee	£70	£180	£295	£320	£640	£350	£1,050
Levy charge	£299	£768	£1,259	£1,365	£2,730	£1,493	£4,440
*(Dx and Ex) Multiplier applies to premises in category D and E that primarily or exclusively sell alcohol							

11. The consultation also seeks views regarding the process that licensing authorities would need to follow when adopting these new measures, as well as the type of services that could be funded from the remaining 30% of the levy and whether to allow exemptions for New Year's Eve.

Early Morning Restriction Orders

12. Early Morning Restriction Orders (EMRO's) is a power introduced by the previous Government (but not yet commenced) which, under existing provisions, would enable licensing authorities to restrict the sale of alcohol in the whole or a part of their areas between 3am and 6am on all or some days, to address specific problems caused by the late night supply of alcohol in their areas.
13. The Police Reform and Social Responsibility Act 2011 amends the existing provisions to allow EMROs to be applied more flexibly between midnight and 6am.
14. The intention of this proposal is to provide licensing authorities with an additional tool to shape and determine local licensing, allowing the making of an EMRO in relation to problem areas.
15. The making of an EMRO may only be permitted if the licensing authority has evidence that the Order is appropriate for the promotion of the licensing objectives.

Exemptions and Reductions

16. The proposals recognise that some types of premises that open late to serve alcohol do not contribute to late night drinking problems and should not be unduly penalised.
17. Section 4 of the Consultation Document considers exemptions to the EMRO power that will apply to all EMROs, exempting some types of premises from the provisions. For example such premises may include but are not restricted to community premises, hotels, theatres and cinemas.
18. Section 6 of the Consultation Document considers exemptions to the Late Night Levy that would apply across the whole of the district (should it be implemented). For example such premises may include but are not restricted to restaurants, community premises, hotels, theatres, and cinemas.
19. Section 6 also considers the use of "Partnership Schemes" such as Best Bar None, PubWatch, Purple Flag, Business Improvement Districts (BIDs) and Community Alcohol Partnerships as possible alternatives or complements to EMROs or the Late Night Levy.

20. It is suggested within the Impact Assessment that a 30% reduction in the Late Night Levy be applied to premises that are involved in “Partnership schemes”.
21. It should be noted that some premises throughout Oxford, may seek to reduce their licensable hours, in order to avoid being charged a Late Night Levy. This will be done by way of a Minor Variation application.

Proposed Action

22. The Committee is requested to review the information contained in the appendices and determine whether it is appropriate to delegate to the Head of Environmental Development the duty of replying to the Consultation in conjunction with Chair and Vice-Chair.

Financial Implications

23. The implementation of a Late Night Levy may lead to an increase of revenue to the Licensing Authority, but any increase in funds is required to be invested in services that promote the night-time economy.

Recommendation

24. The Committee is recommended to delegate authority to the Head of Environmental Development to draft a response based on Committees views and present to the Chair and Vice-Chair for final approval before submitting to the Home Office.

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Background papers:

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