



Consultation Document - Late Night Levy

Background

Cheltenham has a vibrant night-time economy that far exceeds other towns of similar sizes. The town offers a rich choice of entertainment and facilities making it a destination attracting usually high numbers of visitors, some travelling considerable distances to enjoy what the late night economy has to offer.

The town also hosts a number of internationally renowned festivals throughout the year including one of the biggest horse racing festivals in the UK, the 'National Hunt Festival', attracting hundreds of thousands of visitors to the town at times, many of whom also enjoy the vibrant night time economy.

Although the vast majority of people visiting the town do so safely and responsibly, an active night-time economy nonetheless demands additional resource and cost for the council, police and other partners to deal with associated crime, disorder and other anti-social behaviour.

The Council has set out in its Corporate Strategy a priority to strengthen communities through making communities feel safe and ensuring they are safe. The same priority sets out measures to promote partnership working with Gloucestershire Constabulary and the Police Crime Commissioner.

To this end, in order to help fund the policing of the night-time economy in Cheltenham, the Council has made a proposal to adopt a Late Night Levy ("levy") in the borough.

For the avoidance of doubt, at the current time the Council's Cabinet has only decided to consult on the proposals. A final decision will be made later taking into account all the views that have been given.

This consultation is seeking views on the Council's proposal to adopt a levy.

What is the Late Night Levy?

The levy is a discretionary power the Council has to impose a levy on premises licensed to sell alcohol anytime between midnight and 6am.

There is a requirement that 70% of the net income from the levy be apportioned to Gloucestershire Police and Crime Commissioner whilst the Council can retain up to 30% of the net income to spend on measures to reduce or prevent crime and disorder, promote public safety, reduce or prevent public nuisance, and/or the cleaning of streets.

The Council has the discretion to exempt certain premises or reduce levy for certain premises. These are:

Permitted Exemptions

- **Premises with overnight accommodation:** This exemption is not applicable to any premises which serve alcohol to members of the public who are not staying overnight at the premises, such as a hotel bar which can be accessed by the general public.
- **Theatres and cinemas:** Premises in this category must ensure that, during the late night supply period, the sale of alcohol is only made for consumption on the premises to ticket holders, participants in the production or invited guests to a private event at the premises.

- **Bingo halls:** Premises in this category must be licensed and regulated under the Gambling Act 2005.
- **Community Amateur Sports Clubs:** Premises in this category must have relief from business rates (Section 658 of the Corporation Tax Act 2010).
- **Community premises:** Premises in this category must have successfully applied for the removal of the mandatory designated premises supervisor (“DPS”) requirement and demonstrated that they operate responsibly.
- **Country village pubs:** In England, premises in this category must be the sole pub situated within a designated rural settlement with a population of less than 3,000.
- **New Year’s Eve:** Premises which have a relevant late-night authorisation by virtue of their being permitted to supply alcohol for consumption on the premises on 1st January in every year.
- **Business Improvement Districts (“BIDs”):** Licensing authorities can offer an exemption from the levy for premises which participate in BIDs that operate in the night-time economy and have a satisfactory crime and disorder focus.

Reductions Categories

The Council may decide to use the levy to promote and support participation by premises in business-led best practice schemes by deciding to apply a 30% reduction for premises that participate in such schemes. The 30% reduction is a flat rate and there are no cumulative discounts applicable, for example, where a premises participates in more than one best practice scheme.

Qualifying best practice schemes are schemes that have:

- 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, and
- a mechanism to identify and remove in a timely manner those members who do not participate appropriately.

The amount of the LNL is fixed by law and depends on the rateable value and use of the premises.

| Rateable Value Bands (based on the existing fee bands) | Levy Cost |
|---|-----------|
| A. No rateable value to £4,300 | £299 |
| B. £4,301 to £33,000 | £768 |
| C. £33,001 to £87,000 | £1,259 |
| D. £87,001 to £125,000 | £1,365 |
| E. £125,001 and above | £1,493 |

Where premises within Bands D or E primarily or exclusively sell alcohol for consumption on the premises, a multiplier is applied to ensure that larger clubs and bars make a higher contribution:

| | |
|---------------------------|--------|
| D. x2 £87,001 to £125,000 | £2,730 |
| E. x3 £125,001 and above | £4,440 |

Premises with no rateable value fall within Band A

Premises that are in the course of construction fall within Band C.

The Council’s Proposal

- The Council has proposed that premises that are licensed to sell alcohol for all or part of the period between **00:01 and 06:00** should have to pay the levy.

- The Council is **not proposing to exempt any premises** from paying the levy because we consider that all late night licensed premises do to some extent, whether directly or indirectly, contribute towards the need to police the late night economy.
- The Council is however proposing to **apply a 30% reduction for premises that participate in the local Nightsafe scheme or those that have obtained Best Bar None accreditation.**
- In order to use the levy revenue in the most efficient and cost effective manner, the Council is proposing that rather than see the levy revenue split between two separate programmes, **it is our intention to reach agreement with the Police and Crime Commissioner to develop a single programme delivered in partnership between the Council and the Police in line with guidance.**

Who are we going to consult?

The Council must consult with:

- the Gloucestershire Police and Crime Commissioner;
- the Gloucestershire Constabulary's Chief Constable; and
- holders of premises licences and club registration certificates who will be affected by the LNL.

In addition, the Council will also consult with:

- The Public via the Council's website, a notification in the local press and information displayed in the Municipal Offices
- Cheltenham Borough Council Elected Councillors
- Parish Councils
- Responsible Authorities

How to respond

At the bottom of this consultation document is a form we would like consultees to complete.

You can return the completed form:

By post:

Louis Krog
 Licensing & Business Support Team Leader
 Cheltenham Borough Council, Municipal Offices
 Promenade
 Cheltenham
 GL50 9SA

Email:

licensing@cheltenham.gov.uk quoting "Late Night Levy Consultation" in the subject field.

Fax:

01242 77 4924

In person:

Louis Krog at the Municipal Offices on the Promenade, Cheltenham

If you do not support the implementation of a late night levy please can you still consider all the questions below as your response will be an important part of the decision making process.

The implementation of a levy is not a forgone conclusion. The decision to implement the levy will be made following this consultation.

Closing Date: 26 August 2013

Question 1 – Are you in support of the Late Night Levy being introduced in Cheltenham?

Yes No Please give reasons below.

Question 2 – Do you agree that the late night supply period should be set between 00:01 and 06:00?

Yes No Please give reasons below.

The late night supply period is the period between 12am and 6am during which premises are licensed to sell alcohol and must be the same every day.

Question 3 – The Council has proposed not to exempt any premises from liability to pay the levy. Do you agree that the Council should not exempt any premises?

Yes No

If no, please indicate below which premises you think should be exempt and why.

- Premises with overnight accommodation

Yes No Please give reasons below.

This exemption is not applicable to any premises which serve alcohol to members of the public who are not staying overnight at the premises, such as a hotel bar which can be accessed by the general public.

- Theatres and cinemas

Yes No Please give reasons below.

Premises in this category must ensure that, during the late night supply period, the sale of alcohol is only made for consumption on the premises to ticket holders, participants in the production or invited guests to a private event at the premises.

| | | |
|--|-----------------------------|----------------------------|
| - Bingo halls | | |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Please give reasons below. |
| | | |
| <i>Premises in this category must be licensed and regulated under the Gambling Act 2005.</i> | | |
| - Community premises | | |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Please give reasons below. |
| | | |
| <i>Premises must have successfully applied for the removal of the mandatory designated premises supervisor ("DPS") requirement and demonstrated that they operate responsibly.</i> | | |
| - New Year's Eve | | |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Please give reasons below. |
| | | |
| <i>Premises which have a relevant late-night authorisation by virtue of their being permitted to supply alcohol for consumption on the premises on 1st January in every year.</i> | | |

| | | |
|---|-----------------------------|----------------------------|
| Question 4 - It is proposed that premises actively participating in the local Nightsafe and Best Bar None schemes be eligible for the prescribed 30% reduction. Do you agree that the two previously mentioned schemes should be eligible for a reduction in the levy? | | |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Please give reasons below. |
| | | |

| | | |
|--|-----------------------------|----------------------------|
| Question 5 – It is not proposed that premises in receipt of small business rate relief be eligible for a reduction of the levy. Do you agree with this? | | |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Please give reasons below. |
| | | |

Question 6 - Are there any other qualifying business-led best practice schemes that should be in receipt of the 30% reduction?

Qualifying best practice schemes are schemes that have:

- 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, and
- a mechanism to identify and remove in a timely manner those members who do not participate appropriately.

Question 7 – It is proposed that in order to use the levy in the most efficient and cost effective manner, rather than see the levy revenue split between two separate programmes, that agreement be reached with the Police and Crime Commissioner to develop a single programme delivered in partnership between the Council and the Police in line with guidance.

Do you support developing a single programme delivered in partnership between the Council and the police?

Yes No If "No" please answer question 8.

Question 8 – Do you agree that the net income from the levy should be split 30:70 between Cheltenham Borough Council and the Gloucestershire Police and Crime Commissioner?

Yes No If "No" please answer question 9.

Question 9 – Do you think the Gloucestershire Police and Crime Commissioner should receive a larger (than 70%) proportion of the net revenue?

Yes No Please give reasons below.

Please note that the minimum amount that must be apportioned to the Gloucestershire Police and Crime Commissioner must be at least 70% of the net income.

Question 10 – The Council is proposing to develop a range of activities on which to spend its portion of the levy income which will be provided to tackle alcohol related crime and disorder during the late night supply period (see Question 2) including:

- **Funding for taxi marshals**
- **CCTV improvements**
- **Funding to support, promote and expand the work of Nightsafe, Best Bar None, Street Pastors etc.**
- **Joint Police and Council enforcement initiatives**
- **Funding to support the Reducing Alcohol Related Violent Crime and Disorder initiative**

Do you have any comments on the above range of activities which the Council would wish to develop using its portion of the levy revenue?

Yes

No

Please give reasons below.

***Nightsafe** (as part of Cheltenham Safe) is the retail crime reduction partnership for the night-time economy of Cheltenham. It is a non profit making partnership that works with the Council and Police encouraging its members to work together to promote the licensing objectives in their premises by providing a forum for sharing information, disseminating best practice and meeting with representatives of the Council, the police and other responsible authorities.*

***Best Bar None** is a national award scheme supported by the Home Office and aimed at promoting responsible management and operation of alcohol licensed premises.*

Question 11 – Do you have any suggestions on how the Council could spend its portion of the levy?

Please provide further explanation below.

Please note that the Council can only spend its portion on arrangements for:

- (a) the reduction or prevention of crime and disorder;*
- (b) the promotion of public safety;*
- (c) the reduction or prevention of public nuisance; and/or*
- (d) the cleaning of any relevant highway or relevant land in its area.*

Question 12 – Do you agree that the Council should seek to implement the levy on the 1st of April 2014?

Yes

No

Please give reasons below.

Question 13 – Do you have any other comments to make regarding them proposed levy?

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| Full Name |
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|---------------------|
| Your Address |
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| Telephone Number |
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| Email Address |
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|---|
| In what capacity are you responding to this consultation? |
| <input type="checkbox"/> A Licence Holder <input type="checkbox"/> Cheltenham Borough Council Councillor <input type="checkbox"/> Parish Council <input type="checkbox"/> A Resident <input type="checkbox"/> A Representative of a Licence Holder <input type="checkbox"/> Other, please specify: |

CONFIDENTIALITY

The Council cannot guarantee that any information that you pass to us can be treated as confidential. The Council is subject to a number of regimes that affect disclosure, including the Local Government (Access to Information) Act 1985, the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

In particular, your response could be included as an appendix to any follow up reports and/or likely to be classed as a background paper and open to public inspection.