

Cheltenham Borough Council

Licensing Committee – 26th July 2013

Consultation Response to the Proposal to Adopt the Late Night Levy in Cheltenham

Report of the Licensing & Business Support Team Leader

1. Summary and Recommendation

- 1.1 The Licensing Committee met on Friday, 5 July 2013 to consider its response to the proposal to adopt the Late Night Levy (“LNL”) in Cheltenham.
- 1.2 This report outlines the Committee’s response.
- 1.3 **The Committee is recommended to:**
 - 1.3.1 **Approve the response; and**
 - 1.3.2 **Agree the response be submitted as part of the consultation.**

1.4 Implications

1.4.1 Financial

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1.4.2 Legal

The authority is currently undertaking a consultation on whether or not to adopt the Late Night Levy. Once the consultation period has closed the responses to the consultation will be considered and a decision will be taken on whether or not the Late Night Levy should be adopted and if it is adopted how it should operate.

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2. Background

- 2.1 The Police Reform and Social Responsibility Act 2011 allows licensing authorities to make use of a LNL aimed at reducing late night alcohol related disorder.
- 2.2 The Licensing Committee has considered and formulated its response to Cabinet’s proposals to adopt the LNL in Cheltenham including the appropriateness and benefits of Cheltenham Borough Council introducing the LNL.
- 2.3 The levy will allow licensing authorities to raise a contribution from late opening alcohol retailers towards policing the late night economy. It will be a local power that Cheltenham can choose to adopt for its area.
- 2.4 The Committee’s response to the consultation questionnaire sent out is as follows: -

3. Consultation Response

3.1 Question 1 – The Licensing Committee was asked if they were in support of the Late Night Levy being introduced in Cheltenham.

3.1.1 The majority of the committee were in support of the LNL being introduced (8 to 1 in favour). One member did note that as other neighbouring areas were not adopting the levy businesses in Cheltenham could be at a disadvantage.

3.2 Question 2 – The Licensing Committee was asked if they agreed that the late night supply period should be set between 00:01 and 06:00?

3.2.1 The majority of the committee were in favour of this proposal with an 8 to 1 in support of the proposition.

3.3 Question 3 – The Council has proposed not to exempt any premises from liability to pay the levy. The Licensing Committee was asked whether they thought the Council should not exempt any premises

3.3.1 The committee were unanimous in agreeing that if the LNL was introduced the Council should not exempt any premises from the imposition of the LNL.

3.3.2 The committee were asked that should the Council decide to grant exemptions in certain circumstances what would their views be in relation to the following: -

3.3.3 **Premises with overnight accommodation:** - The majority of the committee were in favour of not granting an exemption to these premises, with 8 to 1 in favour.

3.3.4 **Theatres and Cinemas:** - The committee were split on this proposed exemption, with 5 to 4 in favour of not granting the exemption. Members noted that if premises opened beyond midnight they could contribute towards disorder and therefore should not be exempt.

3.3.5 **Bingo Halls:** - The majority of the committee were in favour of not granting an exemption, with 7 to 2 in favour. The consensus was that most bingo halls would be closed by midnight in any event.

3.3.6 **Community Premises:** - The committee were unanimous in agreeing that community premises should not be exempt from the LNL.

3.3.7 **New Years Eve:** - The majority of the committee were in favour of not granting an exemption for those premises that stay open beyond midnight on New Years Eve (6 to 3 in favour). It was believed that an exemption for those premises whose only late night authorisation is for New Year will benefit many premises.

3.4 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. The Licensing Committee was asked whether they agree that the two previously mentioned schemes be eligible for a reduction in the levy.

3.4.1 The majority of the committee were in favour of this suggestion, with 6 to 3 in agreement. The committee commented that these schemes encourage businesses to join together to address some of the negative effects of selling alcohol so applying a discount would encourage others to join the scheme. A member did voice a concern that it could be difficult to make a decision about this if the members are not aware how successful the above schemes have been.

3.5 Question 5 – It is not proposed that premises in receipt of small business rate relief be eligible for a reduction of the levy. The Licensing Committee was asked whether they agreed with this.

- 3.5.1 The majority of the committee were in agreement with this proposal, with 8 to 1 in favour of not granting a reduction in the LNL. The committee felt that as even small premises could have a considerable impact on their neighbours an exemption was not appropriate.
- 3.6 **Question 6 – The Licensing Committee was asked if there were any other qualifying business-led best practice schemes that should be in receipt of the 30% reduction.**
- 3.6.1 The committee did not propose any other business led best practice schemes.
- 3.7 **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. The Licensing Committee was asked if they support developing a single programme delivered in partnership between the Council and the police.**
- 3.7.1 The committee were unanimous in principle that the police and Cheltenham Borough Council should work in conjunction on a single program delivered in partnership.
- 3.8 **Question 8 – The Licensing Committee was asked if they agreed that the net income from the levy should be split 30:70 between Cheltenham Borough and the Gloucestershire Police and Crime Commissioner.**
- 3.8.1 The majority of the committee were in favour of this proposal with 8 in favour and 1 abstention. It was commented that the split should have been more equal, 50:50. A member asked if it could be stipulated that the income was spent just in Cheltenham.
- 3.9 **Question 9 – The Licensing Committee were asked if they thought the Police and Crime Commissioner should receive a larger than 70% proportion of the net revenue.**
- 3.9.1 The committee were unanimous in their view that the Police and Crime Commissioner should not receive more than the 70% proportion of the net revenue
- 3.10 **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. The Licensing Committee was asked if they supported the range of proposed activities. (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 and Funding to support the Reducing Alcohol Related Violent Crime and Disorder initiative)**
- 3.10.1 The majority of the committee were in favour of this proposal with 8 in favour and 1 abstention. The committee commented that in order to maximise the effectiveness of the levy licensing authorities should be able to use it to fund any service which promotes the licensing objectives and the management of the night time economy which could also include street cleansing and the opening of public toilets for longer periods
- 3.11 **Question 11 – The Licensing Committee were asked if they had any suggestions on how the Council should spend its portion of the levy**
- 3.11.1 Members would like to see more street cleansing and additional toilet facilities, as above.
- 3.11.2 **Question 12 – The Licensing Committee were asked if they agreed that the Council should seek to implement the levy on the 1st April 2014?**
- 3.11.3 The majority of the committee were in agreement with this proposal, with 8 to 1 in favour of implementing the LNL on the 1st April 2014.

3.12 **Question 13 – The Licensing Committee were asked if they had any other comments to make regarding the proposed levy?**

3.12.1 The Committee did not have any further comments to make.

Background Papers Service records.

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