

## **Appendix 1**

### **Late Night Levy Consultation Document**

Gloucester is a vibrant city, drawing in visitors to attractions such as the Docks, the City centre and to clubs and bars within the City boundary, as part of a vibrant night-time economy for residents and visitors.

Most residents and visitors enjoy themselves safely and responsibly without creating any issues. However, an active night-time economy does bring additional costs for the Council, Police and other agencies dealing with issues such as crime and disorder, anti-social behaviour and hospital admissions.

One of the options the Council has is to introduce a late night levy. Government legislation has given local authorities this option as a potential method to help address policing and community safety initiatives to reduce the above during the night time economy.

The purpose of the levy is to enable those that financially benefit from a vibrant night time economy to contribute to the policing and community safety initiatives that enable the licensed premises to flourish.

Gloucester City Council in partnership with the Police and Crime Commissioner and Gloucestershire Constabulary wishes to consult on its proposal to introduce a late night levy as a partnership approach to policing the night-time economy.

If the levy is introduced it would be a charge made to all alcohol licensed premises within the City boundary (pubs, off licences, restaurants and members clubs) that are authorised to supply alcohol during the defined late night supply period.

This consultation is seeking views on the Council's proposal to introduce a late night levy.

#### **What is the Late Night Levy?**

The levy is an additional annual fee payable by certain premises that are authorised to supply alcohol during the late night supply period.

The levy would apply to holders of premises licences and club premises certificates which authorise the supply of alcohol during the late night supply period.

The licensing authority sets the late night supply period, it must begin at or after midnight and end at or before 06:00 hours.

#### **How long does the Late Night Levy continue for and can it be varied?**

Once the late night levy has been introduced it will continue until the Council decides that the levy shall cease to apply.

The Council can also vary the late night supply period, the exemptions and reductions or change the split of the proceeds between the Police and the Council.

These changes can only take effect at the end/beginning of the levy year.

There must be further consultation before changes such as these are made.

### **Can premises vary their licences to avoid the Late Night Levy?**

If the Council decides to introduce the late night levy, holders of premises licences and club premises certificates have a right, before the late night levy starts and without payment of any fee, to make a minor variation application to vary their authorisation so that the premises will not be subject to the late night levy. (e.g. by seeking to change the days or hours of operation).

### **Exemptions**

The Licensing Authority may consider that there are some types of premises that should be exempt from the requirement to pay the levy.

The Licensing Authority cannot choose the category of premises for an exemption, they are prescribed in regulations.

The Licensing Authority is not able to exempt specific premises from the requirement to pay the levy.

Under the Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012 it gives you the permitted categories of premises that Local Authorities could exempt from the requirement to pay the levy. They are as follows:-

- **Premises with overnight accommodation**
- **Theatres and cinemas**
- **Bingo halls**
- **Community amateur sports clubs**
- **Community premises**
- **Country village pubs**
- **Business Improvement Districts (BIDs)**
- **New Year's Eve**

### **Reduction 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.
- A mechanism to identify and remove in a timely manner those members who do not participate appropriately.

The Council may also offer a reduction to holders in relation to on-trade premises that are in receipt of Small Business Rate Relief. and have a rateable value of £12,000 or less. This only applies to premises licence holders that supply alcohol for consumption on the premises.

### **Late Night Levy Charges**

The amount of the levy has been set nationally and depends on the non-domestic rateable value of the premises. The amounts are:-

Rateable Value Bands	Annual levy charge	Weekly
A - No rateable value to £4,300	£299	£5.75
B - £4,301 to £33,000	£768	£14.77
C - £33,001 to £87,000	£1,259	£24.21
D - £87,000 to £125,000	£1,365	£26.25
E - £125,000 and above	£1,493	£28.71
D x 2 – multiplier applies to premises in category D that primarily or exclusively sell alcohol	£2,730	£52.50
E x 2 - multiplier applies to premises in category E that primarily or exclusively sell alcohol	£4,440	£85.38

The levy will be collected annually at the same time as the annual licence fee. For holders who are granted a licence within the levy year the payment year will run from the date of the grant of the licence. The first payment will be made 14 days after the grant of the licence.

Any payment of the levy which is owed to the licensing authority can be recovered as a debt due to the authority. Non-payment of the levy can result in suspension of a premises licence or club premises certificate.

## **The Council's Proposal**

The Council is proposing the following design for the levy:

### **Late Night Supply Period**

- 00:00 to 06:00

### **Exemptions**

- New Years Eve

### **Reduction to fees**

- The Council is proposing to apply a 30% reduction for premises that participate in both CitySafe and those that have obtained Best Bar None accreditation.
- The Council is not proposing to introduce any reductions for premises in receipt of small business rate relief.

### **Use of Income**

- 70% of the net levy revenue will be paid to the Police and Crime Commissioner for Gloucestershire, being the minimum proportion that the authority is required to pass to the PCC. The remaining 30% will be retained by the Council.

### **Who are we consulting?**

The Council must consult with:-

- Gloucestershire Police and Crime Commissioner;
- Gloucestershire Constabulary's Chief Constable;
- Holders of premises licences and club premises certificates that will be affected by the levy.

In addition, the Council will also consult with:-

- The public via the Council's website and in a local newspaper.
- Ward and Parish Councillors.
- Responsible Authorities.
- Other Stakeholders.

### **How to respond**

At the end of this document there is a form with questions that we would like you to complete.

You can return the completed form to:-

Darren Mountford

Senior Licensing and Markets Officer  
Gloucester City Council  
Herbert Warehouse  
The Docks  
Gloucester  
GL1 2EQ

Or Email: [licence.team@gloucester.gov.uk](mailto:licence.team@gloucester.gov.uk)

**Closing date: 7<sup>th</sup> December 2016**

**CONSULTATION QUESTIONS**

**PROPOSAL TO ADOPT A LATE NIGHT LEVY**

1. Do you think business that sell alcohol late at night should contribute financially towards the policing and community safety initiatives that help control the late night economy in Gloucester?

Yes

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No

☐

Please give reasons below:

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2. Do you think that the Late Night Levy is an appropriate way of funding these initiatives?

Yes

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No

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Please give reasons below:

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3. Do you agree that the late night supply period should be set between 00:00 and 06:00?

Yes

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No

☐

- 3a. If 'No' what do you believe the late night supply period should be?

01:00 – 06:00 ☐

02:00 – 06:00 ☐

03:00 – 06:00 ☐

04:00 – 06:00 ☐

05:00 – 06:00 ☐

Please give reasons below:

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4. The Council is proposing to only exempt premises selling alcohol during the supply period on New Year's Eve from the late night levy. Do you agree?

Yes

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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:

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**Theatres and cinemas**

Yes

☐

No

☐

Please give reasons below:

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**Bingo Halls**

Yes

☐

No

☐

Please give reasons below:

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**Community premises**

Yes

☐

No

☐

Please give reasons below:

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**New Year's Eve**

Yes

☐

No

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Please give reasons below:

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5. It is proposed that premises actively participating in both CitySafe and Best Bar None schemes will be eligible for the prescribed 30% reduction. Do you agree with this proposal?

Yes

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No

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Please give reasons below:

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6. It is not proposed to introduce any reductions for premises in receipt of small business rate relief. Do you agree with this proposal?

Yes

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No

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Please give reasons below:

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7. To ensure the levy revenue is used in the most efficient and cost effective manner, it is proposed to develop an innovative approach through an agreement between the Police Crime Commissioner and the Council on where the money is spent. Do you agree with this approach?

Yes

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No

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Please give reasons below:

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8. If a Levy is introduced how do you think it could be best spent?

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Note : The money should be spent on the reduction or prevention of crime, the promotion of public safety, the reduction or prevention of public nuisance and cleaning of any relevant highway or relevant land and its area.