

Statutory Criteria for the introduction of the levy

The decision to introduce the late night levy requirement is for the Council to make. However, the Home Office Guidance makes it clear that as a first step the Council is expected to consider the need for a levy with the Chief Officer of Police and the Police and Crime Commissioner (PCC). Their views are fundamental to this process. The PCC would need to support any evidence that the Police provide in order for the Council to consider whether there is a need to introduce a late night levy in Gloucester.

If there is evidence from the Police for a need to introduce a late night levy then the Council would need to consult on its proposal with residents and all premises licence and club premises certificate holders whose authorisations permit the supply of alcohol during the late night supply period.

Following consultation, if the Council resolves to adopt the levy, it must notify the Chief Officer of Police, the PCC and all licence holders in relation to premises which permit the supply of alcohol within the late night supply period. Holders of relevant late night authorisations must be two months' notice of the implementation date to permit those premises not wishing to pay the levy to apply for a free variation of their licence. The cost of processing free variations will be deductible expense from the levy receipts.

The notice must specify the start date for the levy, the late night supply period, any exemptions and reductions and how the revenue will be shared between the PCC and Gloucester City Council.

The levy, if adopted, will apply indefinitely until the Council decides that it will cease to apply. It is recommended that the Council may wish to review the requirements for the levy at appropriate intervals but a decision that the levy should cease to apply can only be made at the end of a levy year.

Subject to exemptions that may be applied, the levy will apply to the whole of Gloucester City Council's area.

The levy will be payable by the holders of a premises licence or club premises certificate which authorise the sale or supply of alcohol on any days during a period (late night supply period) beginning on or after midnight and ending at or before 6am regardless of whether the premises are actually operating during the period.

The late night supply period can be for any length between midnight and 6am but must be the same every day. The Council can decide that it would be appropriate that certain types of premises should not pay the levy and can set the late night supply period to suit the opening times of premises in their local area.

The levy will not apply to Temporary Event Notices that authorise the sale of alcohol during the late night supply period.

Permitted Exemptions and Reductions

The Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012 prescribe a number of permitted exemption categories from the levy. These exemption categories are discretionary and the Council can decide which, if any, should apply.

These exemption categories are:

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. Licensing authorities should be satisfied that premises which are eligible for this exemption are bona-fide theatres or cinemas, and that the sale of alcohol is not the primary purpose of their businesses. The definition of a “cinema” or a “theatre” should be readily understood by its plain, ordinary meaning.

Bingo halls: Premises in this category must be licensed and regulated under the Gambling Act 2005.

Community Amateur Sports Clubs (“CASCs”): Premises in this category must have relief from business rates by virtue of being a CASC (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. The definition of a rural settlement appears in the qualifications for rural rate relief in Part III of the Local Government Finance Act 1988. **This would not apply to any premises in Gloucester.**

New Year’s Eve: Licensing authorities can offer an exemption from the levy for holders in relation to premises which only 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. The Government would expect licensing authorities to carefully

consider exempting eligible BID's from the levy. It is up to the licensing authorities' discretion to determine whether the BID's in their area are eligible. Gloucester City does not currently have a BID however; there is a BID task group set up to consider this

Permitted Reductions

The Council may wish to use the late night 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 premise participates in more than one best practice schemes.

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 has the discretion to determine how best practice schemes can demonstrate that they meet these benchmarks.

The Council can 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.

The levy charge

The amount of the levy is prescribed nationally and based on the current licence fee system under the Licensing Act 2003, with holders being placed in bands based on their premises rateable value. The annual charges for the levy will be:

Rateable Value	Late Night Levy Fee	Current Annual Fee	Total Annual cost
Band A (no rateable value to £4,33)	£299	£70	£369
Band B (£4,301 to £33,000)	£768	£180	£948
Band C (£33,001 to £87,000)	£1,259	£295	£1,554
Band D (£87,001 to £125,000)	£1,365	£320	£1,685
Band E (£125,001 and above)	£1,493	£350	£1,843

In respect of premises in band D and E that primarily or exclusively sell alcohol then a multiplier of x2 is applied to the fee in respect of band D and x3 in respect of band

E.			
D x 2 Premises in category D that primarily or exclusively sell alcohol	£2,730	£640	£3,370
E x 3 Premises in category E that primarily or exclusively sell alcohol	£4,440	£1,050	£5,490

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