

# LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

## Agenda Item 28

Brighton & Hove City Council

<b>Subject:</b>	<b>Late Night Levy</b>		
<b>Date of Meeting:</b>	<b>3 March 2016</b>		
<b>Report of:</b>	<b>Director of Public Health</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Jean Cranford</b>	<b>Tel:</b> 29-2550
	<b>Email:</b>	<b>Jean.cranford@brighton-hove.gcsx.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report sets out to update the Licensing Committee on questions raised concerning the Late Night Levy (LNL) at licensing committee on 19 November 2015.

#### 2. RECOMMENDATIONS:

- 2.1 That the committee decide whether to instruct officers to proceed with the formal consultation to raise the levy.
- 2.2 If it is decided to proceed to consultation, the matters set out in 3.9 should be determined.

#### 3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 On 19 November 2015, licensing committee resolved:  
That consideration of the above report and consultation in respect of a Late Night Levy (LNL) to be deferred in order for a further report to be prepared for consideration at a future meeting of the Committee (as soon as practicable). No consultation except pre-consultation referred to below to be undertaken until the Committee has had the opportunity to consider a further report. The report to include the following information:

Details of pre-consultation undertaken with a representative range of stakeholders/premises operators, of various types, capacity, floor area and styles of operation; (see 3.2)

Whether it would be appropriate/practicable to introduce Business Improvement District (BID) arrangements as an alternative to a Late Night Levy (LNL) including details of the differences between the two and how either would work in practice; (see 3.3)

Precise details of how money raised by a LNL would be spent; (see 3.4)

Up dated information/feedback in relation to how LNL's already introduced are operating; (see 3.5) and

An assessment of factors which are unique to the city, conference trade, tourism, student population, residents and whether it would appropriate/how "bespoke" arrangements which reflected that mix could be implemented. (see 3.6)

- 3.2 Pre-consultation. The Late Night Levy was discussed at the Licensing Strategy Group (LSG) meeting on 18 January 2016 which is attended by council officers, responsible authorities, business representatives and residents associations.

Should a decision be made to proceed with a LNL consultation, officers propose to take to the next LSG meeting on 25 April 2016 more information on what has happened in other local authority areas regarding the Late Night Levy, including the use of funds raised, and the proposed LNL consultation in order to finalise the formal consultation questionnaire.

- 3.3 Business Improvement District (BID). The current BID covers the mainly retail areas of Western Road as far as Waitrose, Clock Tower and Quadrant areas, North Street, Bond Street, the Lanes and East Street to the Sea (but doesn't cover the seafront or "lower" prom). The BID area is set by consultation; a consultation has recently concluded and it has been confirmed that West Street, the seafront and the "lower" prom will not be included in the BID area. There are 36 BID businesses within the scope of the LNL; under the LNL, BID membership can exempt businesses from paying the LNL fee which could mean a reduction of £37,295 from the expected LNL income. Exemption is expected to be carefully considered if the BID operates in the late night economy with a satisfactory crime and disorder focus. It is for the licensing authority to determine if the BID is eligible. A reduction of 30% for a BID is possible if not covered by an exemption.

Members of the Business Crime Reduction Partnership (BCRP) could receive a 30% reduction from the amount of LNL fees they pay; there are currently 188 BCRP members within the scope of the LNL and this could mean a reduction of £58,404.90 from the expected LNL income.

- 3.4 Use of funds raised by the LNL. Any funds collected would be spent in the Night Time Economy in Brighton & Hove as agreed by a joint 'Late Night Levy Advisory Panel, made up of Council officers, Police, Councillors, BCRP, etc, The local police commander has made a commitment that LNL funds will not be spent on statutory police duties.

The activities that could be funded by the LNL include Taxi Marshalls, Street Pastors and Water Hero schemes, training for door staff and staff of other premises (hotels) and taxi drivers on issues such as safeguarding and child sexual exploitation. Evidence based awareness campaigns on safety, drinking and drowning etc. Safety measures such as mobile CTV cameras, ID Scanners for selected venues, Safe Haven phone application. Crime and safety initiatives such as the beach quad bike patrol and Safe Space.

- 3.5 Updated information/feedback in relation to how LNL's already introduced are operating can be found at appendix 1.

- 3.6 An assessment of factors which are unique to the city, conference trade, tourism, student population, residents and whether it would appropriate/how “bespoke” arrangements which reflected that mix could be implemented. Brighton & Hove is an English seaside resort also known for its nightlife, arts scene, shopping and festivals. The local visitor economy is characterised by three sectors: conferences, leisure and English language education. The city receives 10 million tourism day trips and 1.4 million staying visitors per year. 27% of staying visitors originate from overseas. Tourism generates £839m of direct income for local businesses and supports 21,682 jobs. 18% of the total Brighton & Hove labour force is employed in jobs supported by tourism expenditure. The Brighton Festival is the second largest in Great Britain. The city has 2 racetracks, the Brighton Pier and the I360 which will open in the summer. There are 2 universities and numerous language schools in the city. Officers could include some of the visitor attractions and language schools/universities in the consultation.
- 3.7 Appendix 2 shows the method of calculating the number of premises within the different hours, what their rateable value is etc and includes potential exemption categories and reductions and the split of premises across different areas of the City.
- 3.8 Appendix 3 shows a draft design for consultation.
- 3.9 The notice of the proposal for consultation must set out the date on which the levy requirement is first to apply, the late night supply period, the permitted exemption categories (if any) which are to apply, the permitted reduction categories (if any) which are to apply and the specified portion.
- 3.10 BHCC Notice of Motion and LGA response: Following on from Full Council in December 2015, the Chief Executive, in response to a Notice of Motion, “Boosting alcohol-related policing and prevention” wrote to the Home Office and the Local Government Association (LGA) on 11 January 2016, a response was received from LGA on 9 February 2016 and passed to officers on 15 February (see appendix 5). Officers approached the Home Office and the LGA on 16 February (see appendix 6 for responses from LGA and Home Office).

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

Continue working with partners and the licence trade to tackle the effects of the night time economy and look at introducing voluntary initiatives and further BIDs.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 Licensing Strategy Group, Strategic Domain Group 2, finance and legal services.

#### **6. CONCLUSION**

If the committee was minded to agree to go out for consultation on whether or not to implement the Late Night Levy, the timeline for reporting could be as follows: 3 months consultation, say July – September, report back consultation results to licensing committee at November committee. If agreed, the report would then proceed to Full Council for adoption within 3 months. Within that time, premises would have a 2 month period in which they could apply for a free minor variation.

## 7. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 7.1 A Late Night Levy may generate some additional income. The level of estimated gross income per annum from the introduction of a late night levy will be determined by the regulations, but will also be affected by the level of exemptions or reductions agreed. Appendix 2 sets out the estimated annual gross income from introducing the levy at various start times (taking account of any exemptions). A number of free Minor Variation Applications would have to be dealt with and the introduction of LNL will possibly require more staff.

The financial implications arising from the introduction of a levy should be clearly set out prior to any final decision to proceed. Clarity will also be required on the financial administration arrangements for both the collection and application of the levy income to ensure that any risks to the Council are minimised e.g. if the actual level of income collected in a given financial year is lower than the estimate on which spending decisions have been based.

*Finance Officer Consulted: Name Mike Bentley Date: 18/02/16*

### Legal Implications:

- 7.2 Legal implications are contained within the body of this report. There is no appeal to challenge the introduction of a levy. Any challenge would be by way of a judicial review. Legal challenge might reasonably be expected.

*Lawyer Consulted: Rebecca Sidell Date: 19/02/16*

### Equalities Implications:

- 7.3 There are no direct equalities implications.

### Sustainability Implications:

There are no direct sustainability implications.

- 7.4 Any Other Significant Implications

Public health is not a licensing consideration. Evidence based policy supports the local economy and retail industry.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Timeline for introduction of LNLs in other areas.
2. Calculation sheets.
3. Draft design for consultation.
4. Letter from Sussex Police re funding.
5. BHCC Notice of Motion and LGA response.
6. Responses from LGA and Home Office

**Documents in Members' Rooms**

None

**Background Documents**

None

