

AGENDA



- Committee - **COMMITTEE OF THE LICENSING AUTHORITY**
- Date & Time - Tuesday, 4 June 2013 at 4.35 pm or immediately following the conclusion of the Licensing Committee whichever is the later
- Venue - Meeting Room 1, Council Offices, Priory Road, Spalding

Membership of the Committee of the Licensing Authority:

Councillors: F Biggadike (Vice-Chairman), A Casson, M G Chandler (Chairman), P E Coupland, G K Dark, C J Lawton, D J Wilkinson, R J H Creese, R M Rudkin and R Perkins

Persons attending the meeting are requested to turn mobile telephones to silent mode

Member Services
Council Offices, Priory Road
Spalding, Lincs PE11 2XE

Date: 24 May 2013

AGENDA

1. Apologies for absence.
2. Minutes - To sign as a correct record the minutes of the meeting held on:
 - a) 13 November 2012 (Pages 1 - 6)
 - b) 15 May 2013 (Pages 7 - 10)
3. Early Morning Alcohol Restriction Orders - To advise the Committee on the power to introduce an Early Morning Alcohol Restriction Order (report of the Assistant Director of Commissioning enclosed) (Pages 11 - 14)
4. Amendment of a gambling fee - To obtain authority to amend a gambling fee (report of the Assistant Director of Commissioning enclosed) (Pages 15 - 18)
5. Late Night Levy - To advise the Committee on the power to introduce The Late Night Levy (report of the Assistant Director of Commissioning enclosed) (Pages 19 - 22)
6. Verbal update on Partnership Working with the Licensing Team
7. Declaration of interests - (Members are no longer required to declare personal or prejudicial interests but are to declare any new Disclosable Pecuniary Interests that are not currently included in their Register of Interests.

Members are reminded that under the Code of Conduct they are not to participate in the whole of an agenda item to which they have a Disclosable Pecuniary Interest. In the interests of transparency, members may also wish to declare any other interests that they have, in relation to an agenda item, that supports the Nolan principles detailed within the Code of Conduct.)

8. Any other items which the Chairman decides are urgent. -

NOTE: No other business is permitted unless by reason of special circumstances, which shall be specified in the minutes, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

Minutes of a meeting of the **COMMITTEE OF THE LICENSING AUTHORITY** held in the Council Chamber, Council Offices, Priory Road, Spalding, on Tuesday, 13 November 2012 at 6.35 pm.

PRESENT

M G Chandler (Chairman)
F Biggadike (Vice-Chairman)

A Casson
P E Coupland
G K Dark

A Harrison
M Howard
C J Lawton

D J Wilkinson

Licensing and Business Support Manager, Licensing Officer and Member Services Support Officer.

Apologies for absence were received from Councillor E J Sneath.

3. **MINUTES**

The minutes of the meetings held on 9 November 2011 and 16 May 2012 were signed by the Chairman as a correct record.

4. **LICENSING AUTHORITY AS RESPONSIBLE AUTHORITY**

Consideration was given to the report of the Assistant Director of Commissioning to determine how the Licensing Authority would discharge its functions as a Responsible Authority under the Licensing Act 2003.

The Police and Social Responsibility Act 2011 came into effect on 25 April 2012, Section 103 of the Act amended the Licensing Act 2003 to make the Licensing Authority a Responsible Authority. South Holland District Council was the Licensing Authority for the District and the Committee of the Licensing Authority had responsibility for discharging licensing functions on behalf of the Licensing Authority. Section 10 of the Licensing Act 2003 permitted the Committee to discharge certain functions to an officer of the Licensing Authority.

It was determined that the role of Responsible Authority needed to be separated from the role of the Licensing Officer, in order to protect the impartiality of the Licensing Authority, to reduce the possible conflict of interest and to ensure a fair hearing. Currently processing applications and servicing the Committee of the Licensing Authority fell with the Licensing Officer, and there was no scope for the separation of roles within the Licensing Team.

Agreement was sought for the Responsible Authority function to be delegated to the following officer posts; Licensing and Business Support Manager, Food Health and Safety Manager and the Environmental Protection Manager which were all shared posts between South Holland and Breckland District Councils. Each post would examine each application or problem premises on a case by case basis in

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conjunction with other Responsible Authorities, if appropriate. They would take into account the requirement to promote the Licensing Objectives and have regard to the Council's Statement of Licensing Policy and Guidance issued under Section 182 of the Licensing Act 2003. It was felt that the formalisation of those arrangements would mean a robust procedure of delegation to exercise the Authority's duties under the Licensing Act 2003.

Members requested clarification on the role the Authority would have. Was the Authority able to submit an application for review on a premises, or oppose for the grant of a new premises should it be felt that the Licensing objectives would not be promoted. The Licensing and Business Support Manager advised that this was indeed the case and that the above mentioned posts would have the delegated authority to put forward objections to a new premises, or call a review on an existing premises licence.

Members also queried that if a councillor were to raise concerns and subsequently a review was called, for example, would the concerns have to have been proven before a review was called. The Chairman explained that the three chosen Members who were to be part of the Panel of the Committee of the Licensing Authority, would make any decisions surrounding the representations that had been made.

DECISION:

That the Licensing and Business Support Manager, Food Health and Safety Manager and the Environmental Protection Manager be delegated authority to discharge functions as a Responsible Authority under the Licensing Act 2003.

5. LIVE MUSIC ACT 2012

Consideration was given to the report of the Assistant Director of Commissioning to note amendments to the Licensing Act 2003 via the Live Music Act 2012 in respect of live music entertainment and the provision of entertainment facilities.

The Live Music Act received Royal Assent on 8 March 2012 and came into effect on 1 October 2012.

The Live Music Act 2012 amended the Licensing Act 2003 in several areas, as follows:

- Conditions relating to live music would not apply if the following were met – there was a premises licence or club premises certificate in place authorising on sales of alcohol; the premises were open for the supply of alcohol for consumption on the premises; live music taking place between 8am and 11pm and, if the live music was amplified, the audience was of no more than 200 people. Conditions would apply outside of these hours and criteria.
- If the above criteria were met live music would cease to be classed as regulated entertainment.

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- Live unamplified music provided anywhere was not classed as regulated entertainment between 8am and 11pm regardless of the number of people in the audience.
- The Act wholly removed the requirement to licence entertainment facilities.
- To protect local residents the Act had additional provisions. At a review of the premises licence or club premises certificate the Licensing Authority could determine that conditions relating to live music would apply during the hours of 8am and 11pm.
- In addition if there was not an authorisation for live music the Licensing Authority could attach conditions to the premises licence / club premises certificate which could also apply between 8am and 11pm.
- The Licensing Authority could also decide that live music was a licensable activity at the premises and that live music could not be provided without authorisation on a premises licence / club premises certificate or Temporary Event Notice.

Consultation had been undertaken by the Department of Culture, Media and Sport, with a view to producing updated guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 which was expected on 31 October 2012. It was noted that the Live Music Act did not permit any premises to cause noise nuisance, and that all other legislative requirements still applied.

Members raised concerns regarding the Live Music Act 2012 and that although it was stated that it did not permit any noise nuisance this could indeed become the case. Would the Authority take any steps for an out of hours service for the reporting of any noise disturbance from a premises or any other entertainment.

Members were advised by the Licensing and Business Support Manager that there was no facility for an out of hours service and responsibility for investigating any disturbance out of hours would fall to the Police or the Environmental Health Team, through the South Holland District Council out of hours number (01775 761161) where the call would be logged and looked at on the next working day. Any disturbance that was taking place on a regular basis would have to be monitored and logged, in order to show a pattern of disturbance, which would then be investigated appropriately. It was noted that any live music restraint was being removed up until 11.00p.m. and after that a licence would still be required. A review would still be permitted to be called on a premises if there was noise nuisance.

DECISION:

That the amendments to the Licensing Act 2003 via the Live Music Act 2012 in respect of live music entertainment and the provision of entertainment facilities be noted.

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6. REVISED STATEMENT OF PRINCIPLES GAMBLING ACT 2005

Consideration was given to the report of the Assistant Director of Commissioning on the revised statement of Principles – Gambling Act 2005. The Committee of the Licensing Authority were requested to approve the revised Statement of Principles which then would receive final approval from full Council to be published and come into effect from 31 January 2013.

The Gambling Act 2005 came fully into effect on 1 September 2007 which created a new system of licensing and regulation for commercial gambling. Local Authorities had regulatory responsibility for licensing certain gambling activities. The Act also created an independent non-departmental public body, the Gambling Commission sponsored by the Department for Culture, Media and Sport.

Under Section 349 of the Gambling Act 2005 the Licensing Authority was required to prepare and publish a statement of the principles that proposed to apply in exercising its functions under the Act before each successive period of three years. South Holland District Council's current Statement of Principles was published and came into effect in January 2010.

To assist local authorities the Act required the Gambling Commission to issue statutory guidance to Licensing Authorities on the manner in which they exercised their functions. Licensing Authorities were required to take into account such guidance, and were designed to ensure the spread of best practice and consistency of approach in decision making, whilst not preventing them from properly exercising discretion in taking into account appropriate and relevant local issues.

A review of the current Statement of Principles had been completed and a revised draft prepared. This draft was based on the 4th Edition of the Guidance issued to licensing authorities, published by the Gambling Commission, and a template statement issued by the Local Government Association.

The draft Policy underwent a consultation period from 19 July 2012 until 11 October 2012 and was carried out in accordance with guidance issued by the Gambling Commission and the HM Government Code of Practice on consultation. There was a requirement under section 349(3) Gambling Act 2005 for the Licensing Authority to consult the following bodies on the Statement of Principles and subsequent revision to it:

- The Chief Officer of Police for the authority's area;
- One or more persons who appeared to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and
- One or more persons who appeared to the authority to represent the interests of persons who were likely to be affected by the exercise of the authority's functions under this Act.

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The draft statement of Principles had been widely consulted upon with other Responsible Authorities, all holders issued gambling permissions and other interested parties, no responses to the draft Statement of Principles had been received.

Revisions to the Statement of Principles included an updated introduction, updates to documents referred to, new information on test purchasing, information on gambling as a primary activity, updates on gaming machines, and provision of updates Responsible Authority contact details.

Members requested clarification on certain points, what was the definition of a small lottery and whether there was a full list of all those who had been consulted upon.

The Licensing Officer clarified that a small lottery was defined as a draw that had tickets pre-printed with a draw on a later date. The Licensing and Business Support Manager advised that a full list of all those consulted upon had been appended to the draft Statement of Principles at Appendix A within the report.

DECISION:

That the Revised Statement of Principles – Gambling Act 2005 Policy be agreed and recommended for approval by full Council.

(The meeting ended at 7.16 pm)

(End of minutes)

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Minutes of a meeting of the **COMMITTEE OF THE LICENSING AUTHORITY** held in the Council Chamber, Council Offices, Priory Road, Spalding, on Wednesday, 15 May 2013 at 7.25 pm.

PRESENT

M G Chandler (Chairman)
F Biggadike (Vice-Chairman)

A Casson
P E Coupland
G K Dark

A Harrison
M Howard
C J Lawton

E J Sneath
D J Wilkinson

1. **APPOINTMENT OF SUB-COMMITTEES**

Members were asked to appoint a selection of Sub-Committees to discharge duties under the Licensing Act 2003.

It was noted that the Constitution required that the Licensing Committee of the Authority should appoint such number of sub-committees as it considered necessary to discharge any of the duties under the Licensing Act 2003 that were delegated to a sub-committee by the Licensing Committee. The Constitution also required that each sub-committee should have a named membership which comprised two ordinary members of the Licensing Committee and either the Chairman or Vice-Chairman of the Licensing Committee. However, in exceptional circumstances where both the Chairman and Vice-Chairman are unable to sit on a Panel, the Licensing Panel comprise three ordinary members of the Licensing Committee, with the Chairman being elected at the beginning of the hearing for the duration of the hearing only with the said person being fully trained in charring and licensing issues (min 337/09).

In previous years members had approved a schedule of sub-committees which included every possible combination of members within this Constitutional requirement. As there were 10 members of the Committee this made a total of 56 sub-committees. A schedule of sub-committees could not be prepared prior to the meeting as the Chairman and Vice-Chairman of the Licensing Committee were not appointed at the date of despatch of the agenda. It was therefore recommended that the method of appointing the sub-committees used in previous years be used again for the forthcoming municipal year, and that details of the sub-committees be circulated within the minutes of this meeting.

DECISION:

- (a) That the method of appointment of sub-committees for the purpose of discharging duties under the Licensing Act 2003, as used in previous years, be used again for the forthcoming municipal year, in accordance with the details shown at Appendix A; and

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- (b) That in exceptional circumstances where both the Chairman and Vice-Chairman are unable to sit on a Panel, the Licensing Panel comprise three ordinary members of the Licensing Committee, with the Chairman being elected at the beginning of the hearing for the duration of the hearing only with the said person being fully trained in chairing and licensing issues.

(The meeting ended at 7.28 pm)

(End of minutes)

Committee of the Licensing Authority – 15 May 2013 – appointment of Licensing Sub-Committees

1		2	3	4	5	6	7	8
Chandler	Chandler							
Casson	Dark							
Dark	Perkins	Creese	Creese	Lawton	Coupland	Rudkin	Wilkinson	Perkins

9	10	11	12	13	14	15	16
Chandler	Chandler	Chandler	Chandler	Chandler	Chandler	Chandler	Chandler
Dark	Dark	Dark	Dark	Dark	Perkins	Perkins	Perkins
Creese	Lawton	Coupland	Rudkin	Wilkinson	Creese	Lawton	Coupland

17	18	19	20	21	22	23	24
Chandler							
Perkins	Perkins	Creese	Creese	Creese	Creese	Lawton	Lawton
Rudkin	Wilkinson	Lawton	Coupland	Rudkin	Wilkinson	Coupland	Rudkin

25	26	27	28	29	30	31	32
Chandler	Chandler	Chandler	Chandler	Biggadike	Biggadike	Biggadike	Biggadike
Lawton	Coupland	Coupland	Rudkin	Casson	Casson	Casson	Casson
Wilkinson	Rudkin	Wilkinson	Wilkinson	Dark	Perkins	Creese	Lawton

33	34	35	36	37	38	39	40
Biggadike							
Casson	Casson	Casson	Dark	Dark	Dark	Dark	Dark
Coupland	Rudkin	Wilkinson	Perkins	Biggadike	Lawton	Coupland	Rudkin

41	42	43	44	45	46	47	48
Biggadike							
Dark	Perkins	Perkins	Perkins	Perkins	Perkins	Creese	Creese
Wilkinson	Creese	Lawton	Coupland	Rudkin	Wilkinson	Lawton	Coupland

49	50	51	52	53	54	55	56
Biggadike							
Creese	Creese	Lawton	Lawton	Lawton	Coupland	Coupland	Rudkin
Rudkin	Wilkinson	Coupland	Rudkin	Wilkinson	Rudkin	Wilkinson	Wilkinson

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SOUTH HOLLAND DISTRICT COUNCIL

Report of: Assistant Director of Commissioning

To: Committee of the Licensing Authority

(Author: Fiona Inston – Licensing and Business Support Manager)

Subject: Early Morning Alcohol Restriction Orders

Purpose: To advise the Committee on the power to introduce an Early Morning Alcohol Restriction Order

Recommendation:

- (a) This report is for information only.

1.0 BACKGROUND

1.1 An Early Morning Alcohol Restriction Order (EMRO) is a power conferred on licensing authorities by the Licensing Act 2003 and came into effect on 31 October 2012.

1.2 The change enables licensing authorities if they choose to exercise this power to introduce an EMRO to restrict sales of alcohol in the whole or a part of the district for any specified period between 12 midnight and 6am, if considered appropriate for the promotion of the licensing objectives.

1.3 EMRO's provide a control to address recurring problems in an area such as high levels of alcohol-related crime and disorder in specific areas at specific times, serious public nuisance and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.

1.4 An EMRO:

- Applies to the supply of alcohol authorised by premises licences, club premises certificates and temporary event notices;
- Applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week and can apply for different time periods on different days of the week;
- Applies for a limited or unlimited period (for example an EMRO could be introduced for a few weeks to apply to a specific event);
- Applies to the whole or any part of the licensing authority's area;

- Will not apply to any premises on New Year's Eve (defined as 12am to 6am on 1 January every year);
- Will not apply to the supply of alcohol to residents by accommodation providers between 12am and 6am, provided the alcohol is sold through mini-bars and /or room service ; and
- Will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the 2003 Act.

1.5 An EMRO is a powerful tool which will prevent licensed premises in the area to which the EMRO relates from supplying alcohol during the times at which the EMRO applies. Guidance issued under Section 182 by the Home Office however states that the licensing authority should consider whether other measures may address the problems that they have identified as the basis for introducing an EMRO, reviewing licences of specific problem premises and/or encouraging the creation of business led best practice schemes in the area.

1.6 The licensing authority is required to consider the potential burden that would be imposed on premises licence holders as well as the potential benefits in terms of promoting the licensing objectives.

2.0 ISSUES

2.1 The introduction of an EMRO could be requested by the public or the Police and Crime Commissioner, but it is for the licensing authority to decide whether or not to introduce an EMRO.

2.2 The licensing authority must be satisfied that there is sufficient evidence to demonstrate that its decision is appropriate for the promotion of the licensing objectives. Evidence should be sort from partners, including responsible authorities and local Community Safety Partnerships, along with its own evidence to determine whether an EMRO would be appropriate for the promotion of the licensing objectives.

3.0 OPTIONS

3.1 The Licensing Committee is requested to consider the contents of this report and be fully aware of the decision making process and criteria as necessary when looking at the option of whether to introduce an EMRO.

4.0 REASONS FOR RECOMMENDATION

4.1 It is essential that members of the Licensing Committee are aware of the new powers for licensing authorities within the Licensing Act 2003 extended by the Police Reform and Social Responsibility Act 2011 to decide whether to consider introducing an EMRO.

5.0 **EXPECTED BENEFITS**

5.1 The benefit is to provide members of the Committee of the Licensing Authority an update on significant legislative changes and the powers conferred to the licensing authority which may be relevant in further policy work or committee hearings associated with the Licensing Act 2003.

6.0 **IMPLICATIONS**

6.1 **Legal**

6.1.1 A decision to introduce an EMRO made by the licensing authority may be subject to legal challenge.

6.2 **Risks**

6.2.1 None

6.3 **Financial**

6.3.1 The licensing authority will need to decide whether or not it believes it has a viable proposal to introduce an EMRO before incurring the costs associated with the formal consultation process. Costs will be incurred through consultation, advertising, administration, monitoring and enforcement.

6.4 **Timescales**

6.4.1 EMRO came into effect on 31 October 2012.

6.4.2 A proposal for an EMRO must be advertised for at least 42 days.

6.5 **Equality and Diversity**

6.6.1 None

6.6 **Stakeholders/Consultation**

6.6.1 None

6.7 **Contracts**

6.7.1 None

6.8 **Section 17, Crime & Disorder Act 1998**

6.8.1 None

6.9 Other

6.9.1 An amendment to South Holland District Council's Statement of Licensing Policy to reflect these changes will be necessary if an EMRO was adopted.

7.0 Wards/Communities Affected

7.0.1 All

Background papers:-

Licensing Act 2003: www.legislation.gov.uk/ukpga/2003/17/introduction

The Police Reform and Social Responsibility Act 2011 – Part 2 Licensing:
www.legislation.gov.uk/ukpga/2011/13/part/2/enacted

The Licensing Act 2003 (Early Morning Alcohol Restriction Orders) Regulations 2012:
<http://www.legislation.gov.uk/uksi/2012/2551/made>

Chapter 16 - Section 182 Guidance issued under the Licensing Act 2003:
<http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing/guidance-s182?view=Binary>

Lead Contact Officer

Name/Post: Fiona Inston- Licensing and Business Support Manager
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Email: Fiona.inston@breckland-sholland.gov.uk

Appendices attached to this report:

None

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Assistant Director of Commissioning

To: Committee of the Licensing Authority

(Author: Fiona Inston – Licensing and Business Support Manager)

Subject: Amendment of a gambling fee

Purpose: To obtain authority to amend a gambling fee

Recommendation:

- (a) The authorisation is given to amend the fee to £540 for betting premises and family entertainment centres.

1.0 BACKGROUND

- 1.1 Under the Gambling Act 2005 the Local Authority can set local fees for gambling activities.
- 1.2 The maximum fees are detailed in The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007.

2.0 ISSUES

- 2.1 The annual fee for betting premises and family entertainment centres in the budget is currently set at £610 for 2013/14, due to an error at budget setting. The legal maximum fee is £600 for this category of premises. We are proposing to revert the fee back to the fee for 12/13 which is currently set at £540.

3.0 OPTIONS

- 3.1 There are two options available.
- 3.2 Option One: The option to the committee is to approve the proposed fee of £540.
- 3.3 Option Two: To make no amendments to the fee and face the risk of legal challenge

4.0 REASONS FOR RECOMMENDATION

- 4.1 It is key that the council do not charge more than the legal maximum fee of £600 and therefore this report supports the change to the fees to be in line with the legislation.

5.0 EXPECTED BENEFITS

- 5.1 The benefit is to ensure compliance with the legislation.

6.0 IMPLICATIONS

6.1 **Legal**

6.1.1 A decision to amend the fee to the proposed figure will ensure that the council are not charging more than the maximum fee set in the legislation.

6.2 **Risks**

6.2.1 If no action is taken there is risk of legal challenge.

6.3 **Financial**

6.3.1 The error on the budget line has been identified after the budget setting process and no businesses have been charged the additional fee. The number of premises in this category is seven, so any change will have minimal impact on the budget for the expected income for 13/14 and onwards.

6.4 **Timescales**

6.4.1 It is recommended that the fee is corrected immediately.

6.5 **Equality and Diversity**

6.6.1 None

6.6 **Stakeholders/Consultation**

6.6.1 None

6.7 **Contracts**

6.7.1 None

6.8 **Section 17, Crime & Disorder Act 1998**

6.8.1 None

6.9 **Other**

6.9.1 None

7.0 **Wards/Communities Affected**

7.1 All

Background papers:-

The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007
<http://www.legislation.gov.uk/ukxi/2007/479/contents/made>

Table of maximum fees from The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007: <http://www.legislation.gov.uk/ukxi/2007/479/schedule/made>

Lead Contact Officer

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Appendices attached to this report:

None

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SOUTH HOLLAND DISTRICT COUNCIL

Report of: Assistant Director of Commissioning

To: Committee of the Licensing Authority

Author: Fiona Inston – Licensing and Business Support Manager

Subject: Late Night Levy

Purpose: To advise the Committee on the power to introduce The Late Night Levy

Recommendation:

- (a) This report is for information only.

1.0 BACKGROUND

- 1.1 The Late Night Levy (the levy) is a power conferred on licensing authorities by provision of Chapter 2 Part 2 of the Police Reform and Social Responsibility Act 2011 and came into effect on 31 October 2012.
- 1.2 The change enables licensing authorities if they choose to exercise this power to charge a levy to persons who are licensed to sell alcohol (on and off trade) late at night in the authorities area as a means of raising a contribution towards the costs of policing the late-night economy.
- 1.3 The levy will be payable by the holders of any premises licence or club premises certificate in relation to premises in the whole district, which authorise the sale or supply of alcohol on any days during a period (the late night supply period) beginning at or after midnight and ending at or before 6am. The licensing authority can decide the times within the late-night supply period at which the levy will apply (which must be the same every day). The late night supply period cannot apply on different days or times.
- 1.4 The levy does not apply to Temporary Event Notices.
- 1.5 The Regulations prescribe category exemptions from the levy and it is for licensing authorities to decide based on its knowledge of the night time economy which categories should be exempt from contributing towards the levy. The categories specified in the Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012 include; Premises with overnight accommodation, bona-fide theatres and cinemas, bingo halls, community amateur sports clubs, community premises, country village pubs (within a designated rural settlement

with a population of less than 3,000), premises which have a relevant late night authorisation for New Years Eve and business improvement districts.

1.6 Money collected from the revenue must be split between the licensing authority and the Police Crime Commissioner. The licensing authority must pay at least 70 per cent of the net levy revenue to the police. There are no restrictions on what the police's portion of the levy revenue can be spent on, however this should be made transparent and it is recommended that discussions should take place between both authorities to discuss the police intentions for their share of the levy revenue.

1.7 The licensing authority will retain up to 30 per cent of the revenue to fund services it provides to tackle late night alcohol-related crime and disorder and services connected to the management of the late night economy. Costs incurred in connection with the introduction, administration and enforcement of the levy may be deducted prior to the levy revenue being apportioned between the police and the licensing authority.

2.0 ISSUES

2.1 The licensing authority if they are to consider introducing a levy should discuss the need for a levy with the Chief Officer of Police and the Police and Crime Commissioner.

2.2 Local residents can put forward their view and call for the implementation or not of the levy in their area.

2.3 The licensing authority should consider whether the levy would generate enough revenue to make it a viable option based on the number of premises licensed to sell alcohol during the late night supply period.

3.0 OPTIONS

3.1 The Committee of the Licensing Authority is requested to consider the contents of this report and be fully aware of the decision making process and criteria as necessary when looking at the option of whether to introduce a levy across the district.

3.2 A decision to introduce the levy should be referred to Full Council for approval.

4.0 REASONS FOR RECOMMENDATION

4.1 It is essential that members of the Committee of the Licensing Authority are aware of the new powers of the licensing authorities formed through the Police Reform and Social Responsibility Act 2011 to decide whether to consider introducing the Late Night Levy.

5.0 **EXPECTED BENEFITS**

The benefit is to provide members of the Committee of the Licensing Authority an update on significant legislative changes and the powers conferred to the licensing authority which may be relevant in further policy work or committee hearings associated with the Licensing Act 2003.

6.0 **IMPLICATIONS**

6.1 **Legal**

6.1.1 A decision to introduce a Late Night Levy made by the licensing authority may be subject to legal challenge.

6.2 **Risks**

6.2.1 None

6.3 **Financial**

6.3.1 The licensing authority will need to decide whether or not it believes it has a viable proposal to introduce the levy before incurring the costs associated with the formal consultation process.

6.4 **Timescales**

6.5 The Late Night Levy power came into effect on 31 October 2012

6.6 **Equality and Diversity**

6.6.1 None

6.7 **Stakeholders/Consultation**

6.7.1 None

6.8 **Contracts**

6.8.1 None

6.8.1 **Section 17, Crime & Disorder Act 1998**

6.9.1 None

6.9 **Other**

6.10.1 An amendment to South Holland District Council's Statement of Licensing Policy to reflect these changes will be necessary.

7.0 **Wards/Communities Affected**

7.0.1 All

Background papers:-

Licensing Act 2003: www.legislation.gov.uk/ukpga/2003/17/introduction

The Police Reform and Social Responsibility Act 2011 – Part 2 Licensing:
www.legislation.gov.uk/ukpga/2011/13/part/2/enacted

The Late Night Levy (Application and Administration) Regulations 2012:
www.legislation.gov.uk/uksi/2012/2730/contents/made

The Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012:
www.legislation.gov.uk/uksi/2012/2550/made

Lead Contact Officer

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Appendices attached to this report:

None