

# LICENSING ACT COMMITTEE

## Home Office Consultation on 'Dealing with the problems of late night drinking'

22 March 2012

### Report of the Licensing Manager

#### PURPOSE OF REPORT

This report is to seek members' views on the proposed responses to the questions posed by the Home Office as part of the consultation on 'dealing with the problems of late night drinking' and to seek their approval to submit a response on behalf of Lancaster City Council to the consultation.

**This report is public**

#### RECOMMENDATIONS

**That members consider the Home Office Consultation on 'dealing with the problems of late night drinking' and the draft response prepared by officers, and consider whether they wish to make any amendments to the draft, and authorise the Licensing Manager to respond to the Home Office on behalf of the licensing authority.**

##### 1.0 Introduction

- 1.1 A Home Office consultation launched on the 17<sup>th</sup> January is seeking views about two measures in the Police Reform and Social Responsibility Act 2011 that will be implemented through regulations. Early Morning Restriction Orders (EMROs) and the late night levy.
- 1.2 The consultation entitled 'dealing with the problems of late night drinking' was launched by the minister for crime prevention and antisocial behaviour reduction Lord Henley, and looks at the implementation of the two new powers contained in the Police Reform and Social Responsibility Act 2011.
- 1.3 The measures, due to be implemented in the autumn, will:
  - allow local authorities to charge a levy for late-night licences to contribute to the cost of extra policing;
  - extend Early Morning Restriction Orders (EMROs), a power that will allow licensing authorities to restrict the sale of alcohol in all or part of their areas to any time between midnight and 6am.

- 1.4 The late night 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 licensing authorities can choose whether to adopt for their areas. The purpose of the levy is to allow licensing authorities to charge more for late licences to contribute towards policing and other costs associated with late drinking (e.g. taxi marshalling). The levy would apply to all premises with a licence to sell alcohol during hours designated by the licensing authority between midnight and 6 am in the whole licensing authority. Licensing authorities will have discretion to grant discount or exemptions to different categories of premises (to be prescribed centrally). Non-exempt premises licensed to supply alcohol in this period will be required to pay the levy. The charges will be set centrally by rateable value and will be collected with the licensing fee.
- 1.5 Licensing authorities will decide whether any (and, if so, which) of the categories of exemptions and reductions will apply to the levy. Section 6 of the consultation considers the available categories of premises to which exemptions and reductions will apply.
- 1.6 The initial decision to apply the levy would be taken by the licensing authority in consultation with the police, targeted consultation with licence holders and affected premises on details of the levy, e.g. exemptions. Licensing authorities would then have to write to all licence holders to give them the opportunity to reduce their hours (by minor variation) if they trade after midnight. It is proposed by the Home Office that there would be no charge for the minor variation. Licensing authorities would then be allowed to deduct administration costs from the total levy revenue. A minimum of 70% of the remainder must then go to the police, with up to 30% being used for other licensing authority costs.
- 1.7 The late night levy would apply to the whole of the licensing authority's area, but this may include a number of premises which perhaps should not pay the levy or be entitled to a reduced rate. Licensing authorities will be able to offer exemptions or discounts to certain categories of businesses, these categories will be set centrally and are included in this consultation. To promote responsible business, licensing authorities may be able to exempt members of best practice schemes such as Business Improvement Districts. There may also be types of premises, such as certain hotels who have a late licence for mini –bars in guests' rooms, who do not benefit from policing of the late night economy. Categories of exemptions adopted will be optional so that licensing authorities have the discretion to decide what is appropriate for their own circumstances. The Home Office will define these categories in secondary legislation.
- 1.8 Early Morning Restriction Orders (EMROs) are intended to allow licensing authorities to address specific problems caused by the late night supply of alcohol in their areas. An EMRO is a power introduced by the previous Government (not yet commenced) which, under existing provisions, would enable licensing authorities to restrict the sale of alcohol in the whole or a part of their areas between 3am and 6am on all or some days.
- 1.9 The 2011 Act amends existing provisions to allow EMROs to be applied more flexibly between midnight and 6am. Licensing authorities will be able to make an EMRO in relation to problem areas if they have evidence that the order is appropriate for the promotion of the licensing objectives.

- 1.10 Section 4 of the consultation considers exemptions to the EMRO power that will apply to all EMROs, exempting some types of premises from the provisions.
- 1.11 Section 6 looks at the use of schemes like Best Bar None, Business Improvement Districts (BIDs) and Community Alcohol Partnerships as possible alternatives or complements to EMROs or the levy.
- 1.12 The consultation seeks to identify the types of premises, for example hotels, cinemas and community venues, which could be exempted or eligible for a reduction in levy charges if they are viewed as having a minimal effect on alcohol-related crime and disorder
- 1.13 The Consultation asks a series of questions about the proposals with responses required by 12th April 2012. The Consultation Document is attached as appendix 1 to this report.
- 1.14 Officers have considered the questions and indeed have attended meetings with Licensing Officers from other authorities where these issues have been discussed, and have drafted responses for consideration by this Committee. These responses are attached as appendix 2 to this report, but it is recognised that they reflect the views of the officers, and that members may have different views.

## 2.0 Conclusion

In summary, members are requested to consider the consultation document and the proposed response, and to make any amendments to the response that they see fit, and to authorise the Licensing Manager to submit a response to the Home Office.

### **CONCLUSION OF IMPACT ASSESSMENT**

**(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

None.

### **FINANCIAL IMPLICATIONS**

There are no financial implications at this stage, as the proposals are for consultation. Once the proposals are implemented, consideration will need to be given as to whether the licensing authority wishes to implement the new powers, and a financial appraisal would be carried out at that stage.

### **LEGAL IMPLICATIONS**

There are no legal implications at this preliminary consultation stage.

### **BACKGROUND PAPERS**

Home Office Consultation Paper on Dealing with the problems of late night drinking.

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