

MUNICIPAL YEAR 2012/2013 REPORT NO. **132**

**MEETING TITLE AND DATE:**

Licensing Committee  
10 December 2012

**REPORT OF:**

Director of Environment

**CONTACT OFFICER:**

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**Agenda – Part: 1**

**Item: 5**

**Subject:**

**Late Night Levy – Licensing Act 2003**

**Wards: All**

**1. EXECUTIVE SUMMARY**

1.1 The Late Night Levy provisions within the Licensing Act 2003.

**2. RECOMMENDATION**

2.1 To consider whether the Council should begin the process of establishing a Late Night Levy within the borough.

### **3. LATE NIGHT LEVY**

- 3.1 The legal provisions, in respect of the Late Night Levy, were introduced to the Licensing Committee at the Licensing Master-class provided by Philip Kolvin QC on Friday 23 November 2012.
- 3.2 The Late Night Levy, under the Licensing Act 2003, is a new tax that the Council, as licensing authority, can choose to introduce in respect of premises selling alcohol between midnight and 6am.
- 3.3 The decision to introduce the levy is for the Council, as licensing authority, to make.
- 3.4 When considering whether to introduce a levy, licensing authorities should note that any financial risk (for example lower than expected revenue) rests at a local level and should be fully considered prior to implementation.
- 3.5 The licensing authority will decide the design of the levy. This includes the late-night supply period, any exemptions or reductions that may apply.
- 3.6 The net levy revenue must be split between the licensing authority and the metropolitan Police Service. The licensing authority must pay at least 70% of the net levy revenue to the police.
- 3.7 The levy is a power and some licensing authorities will not consider that it is appropriate to exercise it.
- 3.8 The licensing authority may wish to decide whether or not it believes it has a viable proposal to introduce the levy before incurring the costs of the formal consultation process. It is recognised that some licensing authorities may not have a large number of premises which are licensed to sell alcohol during the late night supply period. At this stage, some licensing authorities may decide that the levy will not generate enough revenue to make it a viable option in their area.

### **4. ALTERNATIVE OPTIONS CONSIDERED**

Not applicable

### **5. REASONS FOR RECOMMENDATIONS**

- 5.1 The Licensing Committee is invited to indicate whether or not it considers that it is appropriate for the Council, as licensing authority, to exercise its power to introduce a Late Night Levy within the borough.

**6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS**

**6.1 Financial Implications**

Not applicable

**6.2 Legal Implications**

Not applicable

**6.3 Property Implications**

Not applicable

**7. PERFORMANCE MANAGEMENT IMPLICATIONS**

Not applicable

**8. PUTTING ENFIELD FIRST**

Not applicable

**Background Papers**

None