

Licensing Committee – 14 February 2012

5. Consultation on a proposal to deregulate Schedule One of the Licensing Act 2003 - In relation to Regulated Entertainment.

Executive Portfolio Holder: Peter Seib
Head of Service: Laurence Willis, Assistant Director - Environment
Lead Officer: Nigel J Marston – Licensing Manager
Contact Details: nigel.marston@southsomerset.gov.uk or (01935) 462150

Purpose of the Report

To advise the Licensing Committee of a consultation on secondary legislation for the late night levy and early morning restriction orders.

Recommendation

That the Licensing Committee:

- (1) Consider and approve the answers given by the Licensing Service to the questions posed by the Government concerning the consultation;
- (2) The response is recommended for the approval of the District Executive.

Background

On 17th January 2012 the Home Office published a consultation document entitled “Dealing With The Problems of Late Night Drinking” (copy attached) - a consultation on secondary legislation for the late night levy and early morning restriction orders.

The consultation period ends on 10th April 2012.

The Proposal

The Government believe that problems in the night time economy should be addressed locally, and is committed to ensuring that the police and local authorities are given the right tools to address the alcohol-related problems in their area, whilst promoting a vibrant night-time economy to benefit businesses and the community that they serve.

The proposed late night levy and the extension of Early Morning Restriction Orders (“EMROs”) will enable local authorities to achieve this. If local communities are concerned about premises that are open into the early hours of the morning and causing problems, then they should be able to respond flexibly. The majority (64%) of all violence occurs in the evening or at night and one-fifth of all violent incidents take place in or around a pub or club. By extending EMROs so that they can be applied from midnight, local authorities will have an additional tool to address problem areas in the night time economy.

Where there is a vibrant late night economy, with premises remaining open into the early hours, then the local authority should have the flexibility to charge for a contribution towards any additional policing that this generates. Taxpayers should not simply be left to pick up this cost. People who enjoy a night out often visit a variety of premises and it is appropriate that the costs are shared between these businesses.

This consultation seeks views on the details of the regulations that will implement these policies. In particular, it asks for views on what categories of premises should enjoy exemptions and reductions under both measures. For example, the Government do not wish to unfairly penalise premises that are not part of the wider late night economy. These include, for example, hotels and B&Bs, which serve only to guests, and the consultation therefore proposes these as one of the categories of exemption from both measures.

The Government would welcome views on these and other proposals on how the late night levy and EMROs will be implemented. Overall, the intention is that both measures will empower local communities to act to achieve a more viable night time economy.

Detail

This proposal is about how two measures in the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”) will be implemented through regulations, these being: Early Morning Restriction Orders (“EMROs”) and the late night levy (“the levy”).

Alcohol-related crime and disorder is a serious problem for many of our communities. The promised “café-culture” from later drinking hours has not materialised. In 2010/11, almost one million violent crimes were alcohol-related and almost half of surveyed violent crime victims believed the offender to be under the influence of alcohol. The police are fighting an expensive battle against alcohol-related crime and disorder. The Coalition Programme for Government recognised these problems and contained a set of commitments to tackle alcohol misuse, especially late at night. The necessary changes to primary legislation have been made through the 2011 Act.

Early Morning Restriction Orders (EMROs)

EMROs are designed to enable licensing authorities to address the specific problems caused by late night drinking in their district. An EMRO is a power introduced by the previous Government (which has not yet been 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. 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. However, we believe that some types of premises should not be subject to an EMRO. Section 4 of this consultation considers exemptions to the EMRO power that will apply to all EMROs.

Late Night Levy (The Levy)

The 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 licensing authority will also choose the period during which the levy applies, between midnight and 6am on each night. Non-exempt premises licensed to supply alcohol in this period will be required to pay the levy.

Licensing authorities will decide whether any (and, if so, which) of the categories of exemptions and reductions will apply to the levy. The government is also keen to

promote local and business-led initiatives. Many businesses successfully work together in schemes like Best Bar None, Business Improvement Districts (BIDs) and Community Alcohol Partnerships. Authorities and business communities might wish to consider these schemes as possible alternatives or complements to EMROs or the levy.

The Response from SSDC

Please see Appendix One, which is the detailed response from SSDC.

Financial Implications

None from this consultation.

Implications for Corporate Priorities

The proposals if adopted may have an impact on corporate theme four ensuring safe, sustainable and cohesive communities by ensuring that funding is available enforcement and improvements in the management of the night time economy.

The proposals may have a detrimental effect on corporate theme number one increasing economic vitality and prosperity. Many of our town centre businesses are struggling and the imposition of further costs will not be welcomed.

Other Implications

None

Background Papers: *Licensing Act 2003*

The Police Reform & Social Responsibility Act 2011

Home Office consultation document – “Dealing With The Problems of Late Night Drinking” – A consultation proposal on secondary legislation for the late night levy and early morning restriction orders.
