

REQUEST FOR DMPC DECISION – DMPCD 2016 40**Title: Late night levy****Executive Summary:**

There are a number of boroughs that are beginning to express an interest in the Late Night Levy. The Late Night Levy is a discretionary power conferred on licensing authorities by the Police Reform and Social Responsibility Act 2011 that came into effect on 31 October 2012. It enables licensing authorities to introduce a charge for all businesses in their area that are licensed to supply alcohol between midnight and 06:00 as a means of raising a contribution towards the costs of policing the late-night economy.

The DMPC wrote to the LB of Islington in 24 September 2014 commending their proposals which included plans to retain the whole of the levy and provide a greater uniformed presence on the street. More recently you have invited input from business concerning the night-time economy, through the Business Crime Change Board, which has included comment on use of the Late Night Levy. A consensus is forming suggesting that the levy can be beneficial providing other options have first been considered. The Islington experience suggests that the levy is likely to be more successful when used to enhance uniformed presence on the street and in conjunction with best practice schemes and improved licensing. MOPAC may need to react to decisions made by licensing authorities in relation to the levy; this will principally concern the amount of the levy that the borough may retain and recommendations that are agreed in consultation with the borough.

This paper requests the delegation by DPMC to the MOPAC Chief Operating Officer of authority to approve the MOPAC contribution in line with the position set out in the correspondence referenced above.

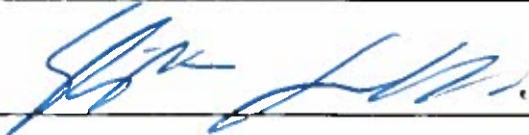
Recommendation:

The DMPC is asked to agree to delegate the responsibility for approval of applications relating to the Late Night Levy to the MOPAC Chief Operating Officer during and immediately following the pre-election period (21 March – September 2016) that are aligned to the above mentioned framework. These approvals will be to allow licensing authorities to retain up to 100% of the levy where they can demonstrate that they have considered other options and are prepared to deliver a best practice model that aligns with MOPAC priorities.

Deputy Mayor for Policing and Crime

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

Signature**Date**

17/3/2016

- 2.3. The Business Crime Change board has recently considered issues in the night-time economy inviting input from business; this included comment on use of the Late Night Levy. A consensus is forming suggesting that the levy can be beneficial providing other options have first been considered.
- 2.4. The Islington experience suggests that the levy is likely to be more successful when used to enhance uniformed presence on the street and in conjunction with best practice schemes and improved licensing.
- 2.5. Many boroughs have voluntary subscription schemes in place that help businesses address issues of crime and disorder (such as BCRPs, BIDs and schemes like PubWatch) which can deliver the same outcomes as the proposals for the Late Night Levy.

3. Financial Comments

- 3.1. It is not possible to estimate the gross income that might be generated through the levy as it will depend on how many local authorities implement a levy and the number of relevant premises in the different rateable value bands.

4. Legal Comments

- 4.1. The Deputy Mayor has the power to delegate this power to the Chief Operating Officer

5. Equality Comments

- 5.1. MOPAC would require that the local authority apply their corporate equality and diversity policy in the delivery of performance objectives which are funded by the levy.

6. Background/supporting papers

- 6.1 Chapter 2 of the Police Reform and Social Responsibility Act sets out the framework provision for local authorities to introduce the late night levy. This is found at <http://www.legislation.gov.uk/ukpga/2011/13/part/2/chapter/2/enacted>.
- 6.2 The Late Night Levy (Application and Administration) Regulations 2012 are available at <http://www.legislation.gov.uk/ukdsi/2012/9780111526309/contents>.
- 6.3 Home Office, AMENDED GUIDANCE ON THE LATE NIGHT LEVY, December 2012 are available at:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118369/late-night-levy-guidance.pdf
- 6.4 Non-statutory Home Office guidance for the Late Night Levy is available on the Home Office website at <http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/alcohol-supporting-guidance/late-night-levy-guidance?view=Binary>.

PART 1 – NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC

Decision required – supporting report

1. Introduction and background

A 2013/14 report from the Office for National Statistics found that alcohol was a factor in

- 82% of crime between 22:00-24:00, and
- 84% of crime between 24:00-06:00

1.1. The late night levy is a discretionary power conferred on licensing authorities by the Police Reform and Social Responsibility Act 2011 that came into effect on 31 October 2012. It enables licensing authorities to introduce a charge for all businesses in their area that are licensed to supply alcohol late at night, to raise a contribution to the extra enforcement costs that the night-time economy generates for police and local authorities.

1.1.1. The decision to introduce the levy is for the licensing authority to make and they will also decide the design of the levy.

1.1.2. The authority is expected to consider the need for a levy in consultation with the police and MOPAC. Local residents can call for the implementation of the levy or not in their area.

1.1.3. The licensing authority can determine the late-night supply period for which the levy is introduced (any period between midnight and 6am), any exemptions or reductions that may apply.

1.1.4. The legislation provides that MOPAC (as the PCC) will receive at least 70% of the net levy revenue raised by boroughs. The licensing authority can retain up to 30% of the net revenue to fund other activities besides policing, but they are restricted to spend that money on activities concerned with management of the night time economy.

1.2. At present Islington is the only London Borough to implement the Late Night Levy. You wrote to the LB of Islington in 24 September 2014 commending their proposals for the Late Night Levy including their plan to retain 100% of the Levy while funding two police officer posts and employing a uniformed, accredited security organisation (to patrol and respond to complaints at the weekend) among other activities. The LB Islington has been evaluated by the borough and badged a success by them in a report dated 22 January 2016.

2. Issues for consideration

2.1. There has been some interest shown by other boroughs now that Islington's Levy has been in place for more than a year.

2.2. LB of Camden has completed the consultation and their licensing committee has written to MOPAC with a proposal which is similar to the one the Islington made.

Public access to information

Information in this form is subject to the Freedom of Information Act 2000 (FOIA) and other legislation. Part 1 of this form will be made available on the MOPAC website within 1 working day of approval. Any facts/advice/recommendations that should not be made automatically available on request should not be included in Part 1 but instead on the separate Part 2 form. Deferment is only applicable where release before that date would compromise the implementation of the decision being approved.

Is the publication of **this** form to be deferred? NO

Is there a **part 2** form – NO

If yes, for what reason:

ORIGINATING OFFICER DECLARATION:

	<i>Tick to confirm statement (✓)</i>
Head of Unit: Dan Hales has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓
Legal Advice: Legal advice is not required.	✓
Financial Advice: Strategic Finance and Resource Management has been consulted on this proposal.	✓
Equalities Advice: Equality and diversity issues are covered in the body of the report.	✓

OFFICER APPROVAL**Chief Operating Officer**

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.

Signature



Date

17/03/2016

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