

EAST HERTS COUNCIL

LICENSING COMMITTEE – 8 MARCH 2012

REPORT BY DIRECTOR NEIGHBOURHOOD SERVICES

8. HOME OFFICE CONSULTATION ON SECONDARY LEGISLATION FOR EARLY MORNING RESTRICTION ORDERS AND THE LATE NIGHT LEVY

WARD(S) AFFECTED: ALL

Purpose/Summary of Report:

- To seek Members views for response to Home Office consultation on the secondary legislation to implement Early Morning Restriction Orders and Late Night Levy.

RECOMMENDATION FOR DECISION: that

A	The draft response to the Home Office consultation be approved.

1.0 Background

- 1.1 The Home Office are consulting on proposals for secondary legislation to implement Early Morning Restriction Orders and the Late Night Levy.
- 1.2 Licensing Committee members are consulted for their views, and are invited to amend as they see fit, a draft response.

2.0 Report

2.2 The Home Office consultation seeks views on:

- Early Morning Restriction Orders;
- Categories of business that will be exempt;
- The process for adopting the Late Night Levy;
- Categories of business that may be exempted from paying the Late Night Levy;
- The kinds of services that Local Authorities may fund with its proportion of the income from the Late Night Levy.

- 2.3 A partial draft response is set out in **Essential Reference Paper 'B'**.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers:

Home Office consultation, these documents follow on from **Essential Reference Paper B**.

Contact Member: Councillor M Alexander – Executive Member for Community Safety and Environment.

Contact Officer: Brian Simmonds – Head of Community Safety and Health Services, Extn: 1498.

Report Author: Paul Newman, Interim Licensing Manager, Extn: 1521.

ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives:	Promoting prosperity and well-being; providing access and opportunities <i>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</i>
Consultation:	See report
Legal:	No issues have been identified by Contact Officer or Report Author that require approval.
Financial:	The Late Night Levy may provide an income stream to pay for Community Safety measures relevant to the Late Night Economy, e.g. taxi marshals, cctv, and other measures.
Human Resource:	No issues that require approval identified by Contact Officer or Report Author.
Risk Management:	No issues that require approval identified by Contact Officer or Report Author.

ESSENTIAL REFERENCE PAPER 'B'

CONSULTATION QUESTION 1:

Do you think that the proposed processes for Early Morning Restriction Orders include sufficient consultation with those likely to be affected by an EMRO?

Yes

CONSULTATION QUESTION 2:

The government proposes that EMROs will not apply (i.e. will not restrict alcohol sales) between midnight on 31st December and 6am on 1st January of each year. Do you think that EMROs should apply on New Year's Eve?

No

CONSULTATION QUESTION 3:

Do you agree or disagree that the categories of premises above should be exempt from EMROs?

Disagree. Some Town Centre Hotels also provide bar and nightclub facilities to non-members, and would gain an unfair advantage over other bars and nightclubs.

Agree that the other categories of premises apart from Hotels should be exempt from EMROS.

CONSULTATION QUESTION 4:

Do you have any other suggestions on the types of premises that should be considered for an exemption from EMROs?

No

CONSULTATION QUESTION 5:

Do you think that there should be an option for local residents/ community groups to recommend the implementation of the levy in their area?

Yes, this could be done by a similar process to an application for a Review.

CONSULTATION QUESTION 6:

Do you agree or disagree that licensing authorities should be able to exempt these premises from the levy?

Agree. This allows the Licensing Authority the flexibility to respond to the local premises profile.

CONSULTATION QUESTION 7:

Do you agree or disagree that licensing authorities should be able to exempt Business Improvement Districts from the late night levy?

Agree.

CONSULTATION QUESTION 8:

Do you think that premises operating under a club premises certificate should be exempt from the late night levy?

Yes. There is no commercial profit from which the Levy could be paid.

CONSULTATION QUESTION 9:

What are your views on affording a reduction from the late night levy to businesses that receive small business rate relief?

CONSULTATION QUESTION 10:

Do you agree or disagree that there should be an exemption for New Year's Eve?

Agree.

CONSULTATION QUESTION 11:

Do you agree or disagree that licensing authorities should be able to ask for a reduced levy payment from these businesses?

Yes, in Business Improvement Districts.

CONSULTATION QUESTION 12:

Do you have any suggestions for benchmarks that can be applied to grassroots schemes to ensure members are actively working to reduce crime and disorder?

CONSULTATION QUESTION 13:

Do you agree or disagree with this set-up of cumulative discounts?
Disagree, these schemes are intended to ensure the licensing objectives are upheld, and they should be implemented as needed, not in response to a financial incentive.

CONSULTATION QUESTION 14:

Should there be scope for further exemptions and reductions from the late night levy?

CONSULTATION QUESTION 15:

What activities do you think licensing authorities should be able to fund with their retained proportion?

Taxi Marshalling

Street Marshalling

CCTV

Drug swabbing in licensed premises

Licensing inspection and enforcement activities

CONSULTATION QUESTION 16:

What restrictions do you think there should be on the types of services that licensing authorities will be able to fund?

Should extend to managing the night time economy.

CONSULTATION QUESTION 17:

What restrictions do you think there should be on the types of services that licensing authorities will be able to fund?

CONSULTATION QUESTION 18:

If you have any comments on the Impact Assessment, please detail them here?

CONSULTATION QUESTION 19:

If you are responding on behalf of a licensing authority, how many premises do you expect will be affected by EMROs in your area?

(Depends on the closing hours set).