

- Ford Sports and Social Club -

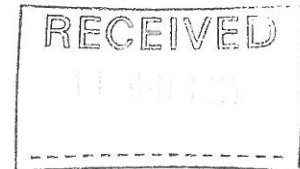
SOUTHAMPTON

Hon Secretary
J. HAMILTON

Club:
Wide Lane Swaythling Southampton SO18 2NQ
Telephone 02380 908909

Hon Treasurer
R BREACH

Late Night Levy Consultation
Licensing
Southampton City Council
P.O. Box 1767
SOUTHAMPTON
SO18 9LA



F.a.o. : Richard Ivory, Solicitor, Head of Legal and Democratic Services
Also ref; Mr Bates.

Dear Sirs.

We have received your letter of 30th April 2014, and note the contents.

It was at first thought that this Club would not be affected by the proposed legislation but, upon further discussion it was realised that we would be affected on **one day a year**.

That day would be the festivities on New Year's Eve, when virtually every licensed premises will be open after midnight for obvious reasons.

The Club feels that, to impose a levy for this one special night of the year is unfair, unreasonable and contrary to the purposes of all licensed premises.

Whilst we realise that there usually is extra work for the Police on that night, the imposition of a levy on top of all the license fees, business rates etc., etc., is deemed to be unreasonable and will further drive up prices in very difficult and 'cut-throat' trading times. We are also of the opinion that this proposed law is designed more for the 'town centre' than outlying areas.

The Club feels that New Year's Eve should be exempt to allow those who, during the rest of the year, trade outside of the Late Night Levy hours. Further, we do not believe that this Levy was meant to be a 'catch-all' but designed to reimburse the Police and Authorities for extra costs involved in policing premises that regularly and consistently cause nuisance whether noise or disturbance of a more physical kind.

In fact, the Club does not understand why these premises are either closed down or forced to reduce their opening hours to end before midnight!

Yours faithfully,

A handwritten signature in black ink, appearing to read "Robin Breach". The signature is written in a cursive style and is enclosed within a large, irregular loop.

Robin Breach
Treasurer.

From: [Graham Comley](#)
To: [Licensing Policy](#)
Subject: Levy
Date: 18 July 2014 16:12:25

Hi
No levy should apply and late parking charges should stop!
You will kill city centre so think before you bleed us dry.
GC

Sent from my iPad



GREENE KING

BURY ST EDMUNDS

SOUTHAMPTON: LATE NIGHT LEVY RESPONSE

Introduction

Greene King Plc, (Greene King) was founded in 1799 and is one of the UK's largest pub retailers and brewers. Headquartered in Bury St. Edmunds, Suffolk, it currently employs over 21,000 people across its main trading divisions: Retail, Pub Partners and Greene King Brewing & Brands.

Greene King operates just under 2,000 pubs, restaurants and hotels across England and Scotland, of which c. 1,000 are pubs, restaurants and hotels owned and managed by Greene King. A further c. 850 are owned by Greene King, but operated by tenants, lessees and franchisees.

The premises licenses for the leased estate are held by Greene King Retailing Ltd. The leased part of the business is referred to as the 'Pub Partners' estate.

Greene King is recognised as a responsible retailer and brewer. By way of example:

- 1) Greene King created the 'Enjoy Responsibly' website, in 2012, to ensure consumers have a full understanding of how to enjoy alcohol responsibly. The website offers advice on the dangers of over-consumption/binge drinking with signposts to help those who have a problem. This site is at www.enjoyresponsibly.co.uk
- 2) All labeling of Greene King's bottled drinks for sale in the UK, show the required alcohol unit content, the NHS guidelines and drinking whilst pregnant advisory logo.
- 3) All Greene King's own brewed cans, for sale in the UK, show the required alcohol unit content, NHS guidelines and pregnancy logo.

This response is made on behalf of the Greene King Pub Partners estate.

The Pub Partners Estate in Southampton includes the following premises:

- The Richmond
- Captains Place
- Junction Inn

Conclusion

Greene King does not believe that there is enough evidence to show the need for the introduction of a Late Night Levy (LNL) to Southampton. The figures provided in the report are incomplete and provide nothing more than a 'best guess' by the police. The costs are given without any meaningful attempt to balance them with the benefit to the city in terms of direct taxes paid by premises to pay for (amongst other things) these services.

A LNL would provide an additional financial burden on premises which can ill-afford any rise in costs, or the additional burden of this kind of taxation. This is particularly so during these continuing difficult economic times where customer spend is reduced and therefore the economic viability of many pubs continues to be tested.

We believe that a LNL consultation is premature given the recent fees consultation. We are currently awaiting publication of the results by the Home Office. This may well change the entire system for charging and levying licensing fees and as such this consultation should be

GREENE KING PUB PARTNERS

Westgate Brewery / Bury St Edmunds / Suffolk IP33 1QT

T 01284 763222 / F 01284 706502 / DX 57237 / greeneking.co.uk

Greene King Pub Partners is a division of Greene King Brewing and Retailing Limited, a company registered in England and Wales with registered number 3298903.

Registered office as above.

delayed until premises licence holders and the local authority are made aware of whether the charging scheme relating to premises licences is to be changed.

There will also be an additional burden on Southampton City Council to administer such a process and to process the likely increase in Temporary Event Notice applications/ hearings.

The LNL may also negatively impact the town centre, effectively 'pricing out' smaller and 'boutique' premises where sales of alcohol are ancillary to other activities. This would reduce the attractiveness of Southampton as a destination by limiting choice and potentially sending the diverse range of individuals coming to Southampton home earlier than they would do otherwise. The LNL is also likely to have an effect on ancillary night-time businesses, such as taxis, food outlets, etc.

We believe that the council cost estimates fall significantly short of the actual cost of implementation and administration. In addition, the costs fail to take into account the increased administration of the inevitable increase in applications for TENs from premises seeking to trade hours they will remove from the licence as a result of the LNL and also the costs of administering full variations from premises seeking to increase hours to make paying the levy worthwhile.

The statement at paragraph 4.37 that the LNL is not expected to significantly affect the NTE (Night Time Economy) in the city is completely at odds with the evidence from Newcastle where over 1/3 of premises varied their licences to avoid the LNL.

QUESTIONNAIRE

Please complete and return this questionnaire by 31st July 2014

BY E-MAIL to: licensing.policy@southampton.gov.uk

BY POST to: Late Night Levy Consultation, Licensing, Southampton City Council, PO Box 1767, Southampton. SO18 9LA

PLEASE INCLUDE ADDITIONAL SHEETS IF THERE IS NOT ENOUGH SPACE

Consultation Question 1 – COSTS

(a) Do you agree that the costs of policing and other arrangements for the reduction or prevention of crime and disorder in connection with the late-night supply of alcohol are a fair assessment?

(b) Do you think that any of the costs ought not to be taken into account?

(c) Do you think that there are other costs that should be taken into account?

(a) It is clear that the costs analysis contained in the consultation document is incomplete. It also appears to be a matter of some guess work as well as taking into account factors that we believe are irrelevant. We therefore do not agree that the cost for policing assessment is a fair reflection of the true cost.

(b) Any costs relating to disorder not associated directly with premises selling alcohol between the hours of 00:01 and 06:00 need to be discounted, including removing costs of anti social behaviour in the city centre in general. The statistics suggest that 30% of violent crimes are linked to offenders 'in drink' (albeit there is no definition of what is meant by this) and as such 70% would appear to be unrelated. The caveat given thereafter that such a statistic is of limited value seems at odds with it being part of the consultation.

(c) No

Consultation Question 2 – CRIME AND DISORDER

(a) Do you agree with the assessment of crime and disorder in connection with the late-night supply of alcohol?

(b) Do you think anything has been left out?

(c) Do you think that anything mentioned should not be taken into account?

(a) No. The recording mechanisms employed do not allow for a true assessment of the figures or what they mean in real terms. Unfortunately, experience of analysis of police crime statistics in relation to incidents attributed to individual premises (for example as part of a review of a premises licence) indicates that there is a tendency to over-inflate the numbers attributable, in part due to licensed premises being landmarks and therefore often given as the "place" where an offence occurs that is not actually attributable to the premises.

(b) No

(c) No

Consultation Question 3 – BENEFITS OF A NTE

(a) Do you agree with the assessment of the benefits of the Night Time Economy in the City?

(b) Do you think there are any other benefits?

(c) Do you think that any benefits mentioned are not relevant?

(a) Yes, albeit there is not enough attempt to quantify the benefit given the attempt to quantify the cost of the NTE. Whilst this may prove to be a difficult job, direct taxation, business rates etc should be easy enough to put an estimated figure to.

(b) There are a significant number of indirect benefits, including attracting students to study in the city, cultural events that would otherwise not be put on, the ability to attract notable live music acts (often paid for by late night operations), diversity of venue type, employment in other areas on the back of a NTE, such as service industries, breweries, entertainment providers etc.

(c) No

Consultation Question 4 – INCOME FROM THE LNL

(a) Do you have any comments on the potential income that the levy may raise?

(a) We feel that the figure of £240,000 is very optimistic. In any event, we suggest that the lower figure is more likely as many premises will have very limited provision for hours into the LNL period and will therefore seek to remove them.

We also have concerns that any monies raised will not be sufficient to ensure the Authority can properly comply with its obligations under regulation 8 of The Late Night Levy (Application and Administration) Regulations 2012 and still leave any meaningful sums to be used as intended from raising the levy in the first place.

It would appear that there has been no consideration of 'hidden' costs. These would include:

- TEN's applications that will require processing and will in all probability lead to more hearings.
- Chasing unpaid levy
- Prosecutions for trading when suspended
- Additional variation applications to extend hours

Consultation Question 5 – NEED TO RAISE REVENUE

(a) Do you agree that there is a need to raise the revenue that a levy may produce?

(b) Are there any other issues that you would like the Council to consider?

(a) It is accepted that all (new) sources of possible revenue need to be considered. That said, the concern is that the monies generated by the Late night levy will be used to limit the savings that the Police and the Authority need to secure their budgets and that the monies raised will not be used to pay for additional policing or other arrangements related to the NTE.

(b) History has shown that administrative costs in relation to the Licensing Act have been generally higher than those set out in the initial consultation documents from central Government. We have no reason to believe that the implementation of the LNL will be any different. For instance it will be incumbent upon Southampton licensing officers to check all the licences with sufficient detail and understanding to ensure that premises are not caught by the LNL without having an opportunity first to avail themselves of the free minor variation provisions in the regulations. This will be time consuming and require technical expertise.

Consultation Question 6 – DESIRABILITY OF THE LNL

(a) Do you agree that it is desirable to raise the revenue through a levy to be used by the police and the Council?

(b) Have you any comments on the considerations expressed in section 4?

(c) Are there any other matters which you think that the Council should take into account in deciding whether it is desirable to introduce a levy?

(a) We do not agree that the LNL is fair, equitable, or even particularly viable means of raising revenue.

(b) The considerations in section 4 are expressed in terms that do not give a balanced view of the benefits vs risks of a vibrant NTE. The risks are quantified but the benefits are given as vague statements, almost dismissively in the manner in which they are presented.

There is also no mechanism for paying the fee in daily, or even in monthly instalments, which means that licence holders will be required to find £768.00 annually (if in band B) or for premises in Band C , £1,259 annually. The penalty for not paying is suspension of the premises licence. Giving the figure as a daily payment is misleading and seeks to invoke a response from non-fee payers responding to this consultation that it is wholly acceptable to expect premises licence holders to pay 82p up to £12.16 a day. Smaller operators are cash-strapped at the best of times and therefore finding a significant amount of cash to pay the annual fee is likely to lead to hardships that appear to have been simply dismissed out of hand in the consultation.

(c) The diversity in styles of operation nowadays makes it very difficult to say that premises fall within a fixed 'category' or style of operation, for instance pub, restaurant or nightclub. As such, We have concerns for the diversity and attractiveness of the NTE in Southampton if the levy is introduced. Small bars/cafe's and other premises that benefit from later hours for sale and supply of alcohol but do not necessarily make much income from it may be forced to reduce their operating hours. The reality is that only those premises who directly benefit from the sale of alcohol would pay the levy. The consequence is a less attractive NTE that will attract a less diverse group of individuals wishing to come into, or stay in Southampton later at night.

In addition, The LNL may deter investment by existing operators and new operators in premises which will further reduce the attractiveness of Southampton in the mid to long term.

Consultation Question 7 – LATE NIGHT SUPPLY PERIOD

(a) Do you agree that the Late Night Supply Period should be a period that begins at one minute passed midnight and ends at 6am? What are your reasons for this?

(b) If you think that the Late Night Supply Period should be for a different period, what should be the hours? What are your reasons for this?

(a) No

(b) We do not agree that the authority should adopt the Late night levy at all. However, should, notwithstanding our views, the late night levy be adopted, we would submit that it should begin at 2.00am and end at 6.00am. The reasons for this are set out above, in particular in our answer to Q6(c)

Consultation Question 8 – EXEMPTIONS – OVERNIGHT ACCOMMODATION

(a) Do you agree that prescribed premises providing overnight accommodation should be exempt? Please explain your views.

(a) No

Consultation Question 9 – EXEMPTIONS – THEATRES

(a) Do you agree that prescribed theatres should be exempt? Please explain your views.

(a) Yes. We hold the view that these premises should be exempt on the basis that the supply of alcohol is ancillary to their business and they are unlikely to contribute to any crime and disorder issues that affect the NTE during the proposed supply period. The exempt supply should end at the conclusion of the film or theatre production.

Consultation Question 10 – EXEMPTIONS – CINEMAS

(a) Do you agree that prescribed cinemas should be exempt? Please explain your views.

(a) Yes. We hold the view that these premises should be exempt on the basis that the supply of alcohol is ancillary to their business and they are unlikely to contribute to any crime and disorder issues that affect the NTE during the proposed supply period. The exempt supply should end at the conclusion of the film or theatre production.

Consultation Question 11 – EXEMPTIONS – BINGO HALLS

(a) Do you agree that prescribed bingo halls should be exempt? Please explain your views.

(a) Yes. We hold the view that these premises should be exempt on the basis that the supply of alcohol is ancillary to their business and they are unlikely to contribute to any crime and disorder issues that affect the NTE during the proposed supply period. The exempt supply should end at the conclusion of the playing of bingo.

Consultation Question 12 – EXEMPTIONS – COMMUNITY AMATEUR SPORTS CLUBS

(a) Do you agree that prescribed Community Amateur Sports Clubs should be exempt? Please explain your views.

(a) No. Such premises are as likely to be a cause of the problems in the NTE that the LNL is meant to tackle as smaller premises that are not exempt. It could therefore give such premises an unfair advantage.

Consultation Question 13 – EXEMPTIONS – COMMUNITY PREMISES

(a) Do you agree that prescribed Community Premises should be exempt?

Please explain your views.

(a) No. Such premises are as likely to be a cause of the problems in the NTE that the LNL is meant to tackle as smaller premises that are not exempt. It could therefore give such premises an unfair advantage.

Consultation Question 14 – EXEMPTIONS – COUNTRY VILLAGE PUBS

(a) Do you agree that prescribed Country Village Pubs should NOT be exempt? Please explain your views.

(a) Yes. Such premises are as likely to be a cause of the problems in the NTE that the LNL is meant to tackle as smaller premises that are not exempt. It could therefore give such premises an unfair advantage.

Consultation Question 15 – EXEMPTIONS – BUSINESS IMPROVEMENT

DISTRICTS

(a) Do you agree that prescribed BID premises should NOT be exempt? Please explain your views.

(a) NO. Where BID's are set up and administered to tackle some or all of the issues raised in this consultation. They are a fairer means of engaging a section of the business community as a whole.

Consultation Question 16 – EXEMPTIONS – NEW YEAR'S EVE/DAY

(a) Do you agree that premises that only operate on New Year's Day between midnight and 6am should be exempt? Please explain your views.

(a) New Year's Eve appears as an exemption on a significant percentage of licences as a general condition to permit trading from the end of permitted trading on New Year's Eve until opening for trading on New Year's Day. Many premises only have this extension on their licence which would, unless exempted, require them to pay the LNL. It would be unfair to charge a full levy for premises seeking to retain such a right.

Consultation Question 17 – REDUCTIONS – SMALL BUSINESS RATES RELIEF

(a) Do you agree that prescribed premises that receive Small Business Rate Relief should NOT be entitled to a reduction in the levy? Please explain your views.

(a) No. We submit that such premises should be entitled to a reduction in respect of any levy adopted. Of all the premises that may be affected by a levy that may be adopted, these are some of the premises that can least afford to pay it.

Consultation Question 18 – REDUCTIONS – BUSINESS-LED BEST PRACTICE SCHEMES

(a) Do you agree that at this time members of Business-Led Best Practice

Schemes should NOT be entitled to a reduction? Please explain your views.

(b) Do you agree that such a scheme should be developed? If so, what should be the details? How can it be developed? How will it be led?

(c) If such a scheme were to be developed, do you agree that members should be entitled to a discount?

(a) No. Unfortunately the proposal not to reduce the LNL for members of best practice schemes ignores the purpose for raising the revenue in the first place. By ignoring the best practise schemes, an opportunity is missed in incentivise good practice and indeed may lead to a lowering of standards in Southampton as premises refuse to involve themselves in schemes where the council fail to recognise any benefit in doing so. This shows a lack of foresight and is dismissive of those premises that work hard and spend money to improve standards in Southampton and have contributed to the successes in the city in terms of reducing crime and disorder and generally improving Southampton's reputation as a safe and fun place to visit at night.

We believe that the partnership approach, engendered by best practice schemes provide the best means of ensuring best practice.

(b) Best practice schemes, whether Best Bar None, Purple Flag or other schemes, such as the City of London's 'Safety Thirst' scheme all require buy-in from the premises and all have costs associated with achieving the standards expected. As such, seeking to establish such schemes without the incentive of an immediate reduction in the LNL for participating members simply will not work.

(c) Yes

Consultation Question 19 – SPLIT LEVY BETWEEN POLICE & COUNCIL

(a) Do you agree that the net revenue from the levy should be split 70:30 between the Hampshire Police and Crime Commissioner and the Council?

Please explain your views.

(b) If you think that the Hampshire Police and Crime Commissioner should receive a larger (than 70%) proportion of the net revenue, please state what percentage you propose? [N.B. It is not possible to reduce the proportion to below 70%.] Please explain your views.

(a) Yes

(b) N/A

Consultation Question 20 – USE OF THE REVENUE

(a) Do you have any comments on the range of activities which the Council would wish to develop using its share of the levy revenue? Is there anything else that you would like to see? Please explain your views.

(b) Would you support developing a single programme delivered in partnership between the Council and the police? What would you like it to cover? Please explain your views.

(a) The money must be spent on the reduction or prevention of crime, the promotion of public safety, the reduction or prevention of public nuisance, and cleaning of any relevant highway or relevant land in its area.

Regulation 8 of The Late night levy (Application and Administration) Regulations 2012 is prescriptive regarding how the Licensing Authority must apply its proportion of any monies

raised by the adoption of the LNL. We remain concerned that the Police are not subject to similar prescriptive regulations regarding the use to which they must apply its proportion of any monies raised by a LNL. We would prefer a simple commitment from the Police to deploy additional Police Officers during the LNE in Southampton.

We worry that the reality is that any available monies will be used by the council and police for enforcement visits and action against premises in general (including those that only trade outside of the levy period) rather than targeting 'revellers' in Southampton who cause the problems, or indeed for meaningful improvement schemes that benefit the LNE.

Whilst the Police and Council incur costs in relation to the reduction or prevention of crime and disorder in connection with the supply of alcohol between 00.01am and 6.00am, the night time economy provides economic benefits to Southampton which may be lost, at least in part, on implementation of a levy.

We remain unconvinced that the LNL will raise the amounts of money anticipated, as a significant number of permissions within Southampton are likely to be withdrawn, by way of the free minor variation procedure.

Notwithstanding our objection to the LNL in principle, any money should be spent on schemes that have the maximum benefit for the most premises in the borough made to pay. This would include additional policing on the streets during the levy period and prosecutions against individuals who break the law during the levy period.

(b) Yes, please see our answer above.

Consultation Question 21 – IMPLEMENTATION DATE & TIMETABLE

(a) Do you agree that the Council should seek to implement the LNL on 1st February 2015? Please explain your views.

(b) If you think that the LNL should be implemented on a different date, what date do you propose? Please explain your views.

(c) Have you any other comments on the proposed timetable? Please explain your views.

(a) No. We feel that further detailed research is required to fully understand whether there is any benefit in introducing a LNL. At the very least this would need to assess:

- Costs to the police and council of managing the NTE during the proposed LNL period
- Benefits in financial terms of the NTE during the proposed LNL period
- Other mechanisms for raising income and/ or managing the NTE

(b) Until such work is undertaken, a date should not be committed to. A further consultation would also need to be undertaken on the basis of the findings detailed above.

(c) Please see above

PERSONAL DETAILS

MY FULL NAME: Daniel Wilkinson

MY ADDRESS: Head of Commercial & Compliance
Greene King Pub Partners
Abbot House
Bury St. Edmonds
Suffolk
IP33 1QT

MY EMAIL ADDRESS: danielwilkinson@greeneking.co.uk

A Licence Holder

Likely to be subject*

HAVE YOU ANY OTHER COMMENTS THAT YOU WISH THE COUNCIL TO CONSIDER?

CONFIDENTIALITY

The Council cannot guarantee that any information that you pass to us can be treated as confidential. The Council is subject to a number of regimes that affect disclosure, including the Local Government (Access to Information) Act 1985, the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. In particular, your response is likely to be classed as a background paper to future committee reports and open to public inspection.

Late Night Levy Consultation (Hampshire Constabulary response)

Consultation Question 1

(a) Do you agree that the costs of policing and other arrangements for the reduction or prevention of crime and disorder in connection with the late-night supply of alcohol are a fair assessment?

Yes

I actually helped produce the costing returns. There are a number of variables and "absorbed" costs which make an exact calculation of policing resources impossible, the costing prepared primarily took into account those officers engaged on the policing activity of the NTE operation

There were additional elements relating to custody, investigation and a small element of vehicle/transport cost (which were all adjusted downwards)

(b) Do you think that any of the costs ought not to be taken into account?

No

They are all costs that are associated with policing activity within the NTE of Southampton, the fact the calculations were adjusted downwards due to an element of "absorbed cost" mean the "true" cost of policing the NTE should be higher

(c) Do you think that there are other costs that should be taken into account?

Yes

The police would be feel there should be an element of costing calculation to reflect the impact on public health services from those using the NTE in Southampton, this in terms of direct demand on ambulance call to service, accident and emergency footfall and follow up referral services (alcohol, drug, medical injuries and general GP follow up appointments)

There are a significant number of persons who enjoy the NTE in Southampton but live outside the city, should they then injure themselves in the NTE they are effectively accessing ambulance and public services which is effectively diverting services from local residents (council tax paying residents) at peak times

Consultation Question 2

(a) Do you agree with the assessment of crime and disorder in connection with the late-night supply of alcohol?

Yes

I actually helped produce the returns. The figures produced were centred purely on "violence against person" offences and ASB related to the NTE, either in the NTE zones or directly linked to a licensed premises. This means that public order, drunkenness and other NTE related offences were not captured in those figures, the search parameters were kept to reflect the areas covered by the existing 5 NTE zones as designated by the Southampton City Council

This effectively means the returns provided are adjusted downwards, this to be centre on assault and ASB in the NTE zones of Southampton

(b) Do you think anything has been left out?

Yes

The statistics provided relate to **reported** occurrences in the NTE of Southampton, there has to be a realisation that there will be elements of “hidden violence” or other offences not reported by individuals for a myriad of reasons

On a similar note there are some data collation anomalies that could account for the figures produced being adjusted downwards, these could include (a) occurrences reported the following day after an incident by victims or (b) occurrences where the offence location is outside the NTE, however, the offence is still related to drunkenness / intoxication from the NTE (eg serious sexual offences, victims of robbery followed from the NTE zones)

The views of local residents and any fear of crime, in terms of public confidence is naturally difficult to fully quantify. The negative effects of a vibrant NTE can be represented by the adverse impact it has on the “quality of life” issues suffered through ASB (damage, noise, graffiti and other ASB)

(c) Do you think that anything mentioned should not be taken into account?

No

The level of assaults and ASB in the NTE are the two key concerns of local residents.

Consultation Question 3

(a) Do you agree with the assessment of the benefits of the Night Time Economy in the City?

Yes

A successful and vibrant NTE in Southampton attracts tourists, local residents and students into the licensed venues. There are a wealth of venues that attract both mainstream and “genre” groups of all ages and diverse backgrounds, ranging from theatre goers to those enjoying specialist music styles

(b) Do you think there are any other benefits?

Yes

A successful and vibrant NTE in Southampton attracts individuals who then may use the DTE shopping centres. The consultation document mentions the additional revenues raised in taxes/fees from venues, taxi usage and fast food establishments, this is in addition to local hotel bookings where individuals remain overnight or longer durations

There may be ancillary benefits, such as additional business and commercial investment that is made within Southampton as a consequence of it having a vibrant NTE. Admittedly this would require additional research to see if there actually a tangible benefit link and to what extent it benefits in terms of revenue raised

(c) Do you think that any benefits mentioned are not relevant?

Yes

There may be ancillary benefits, such as additional business and commercial investment that is made within Southampton as a consequence of it having a vibrant NTE. Admittedly this would require additional research to see if there actually a tangible benefit link and to what extent it benefits in terms of revenue raised

Consultation Question 4

(a) Do you have any comments on the potential income that the levy may raise?

Yes

The potential income raised by a late night levy will NOT be sufficient to even contribute to any of the costs to police the NTE in Southampton, it will NOT mean an increase in police officer numbers nor pay for police overtime. The income raised will only help retain the

current infra structure of the NTE, primarily ensuring funding for essential partners such as street pastors, ice bus, taxi marshals and CCTV are protected

There may be a residue, after administration fees are deducted, to inject within community initiatives to improve the NTE of Southampton

Consultation Question 5

(a) Do you agree that there is a need to raise the revenue that a levy may produce?

Yes

There needs to be a fair, transparent process to allow for revenue raised by late night levy to be subject to public scrutiny and adjustment of levy costs (up or down) to reflect key economic factors such as inflation to provide a true reflection

(b) Are there any other issues that you would like the Council to consider?

Yes

The legislation relates to venues who supply alcohol, the licensing trade within Southampton (who will be affected) have pointed out that other business linked to the NTE who benefit financially (taxi, fast food establishments) will not be captured by this legislation

The levels of crime and disorder linked to taxis and fast food establishments is **significantly lower** than those linked to licensed premises, closer analysis of those figures would undoubtedly show that a significantly high proportion would be linked to individuals being intoxicated / leaving licensed premises

The police feel that there should be some measure of future control on any applications made by late night refreshment venues to extend their hours, although they do not supply the alcohol to their customers there is undoubted crime and disorder around areas of late night refreshment venues when these remain open later that then requires additional NTE police resources to ensure public safety is maintained

There should be some alternative levy raised from these venues to specifically cover the environmental cost of cleaning the Southampton city streets of rubbish / detritus

Consultation Question 6

(a) Do you agree that it is desirable to raise the revenue through a levy to be used by the police and the Council?

Yes

The levy being used by both police and council provides a safeguard in terms of public confidence, they are both public bodies who will be subject to public scrutiny and statutory control in every aspect of the revenue from it being raised to being spent

(b) Have you any comments on the considerations expressed in section 4?

Yes

The existing NTE infrastructure that is in place for Southampton cannot be sustained in the present or immediate future where funding to the Hampshire police and Southampton City Council is going through further budget cuts. The reality is that a levy, if ratified after consultation process, could raise sufficient revenue to pay for street pastors, ice bus, cctv, taxi marshals and community NTE initiatives

The public who are part of the consultation process will have had access to this consultation pack and process, hopefully this will dispel myths that it is an income generating process that will pay for "unlimited police and council overtime"

I fully accept that the NTE brings economic benefits to the city of Southampton, however, it would be immensely difficult to calculate it against an accurate cost benefit analysis of the costs incurred by the police, local authority, health and other public services relating to alcohol consumption and drink fuelled crime and disorder

(c) Are there any other matters which you think that the Council should take into account in deciding whether it is desirable to introduce a levy?

Yes

The police would agree there should be a council decision to align any residue monies from any prospective late night levy towards a community initiative centred on reducing the effects of alcohol consumption, reducing vulnerability of those within the night time economy and public health based preventative campaigns

Consultation Question 7

(a) Do you agree that the Late Night Supply Period should be a period that begins at one minute passed midnight and ends at 6am? What are your reasons for this?

Yes

The crime and ASB commission figures demonstrate that this time period specified is the peak impact times for demand on the Night Time Economy of Southampton, the statistics clearly show that there are definite peaks in crime and ASB at these times linked to the licensed venues operating in the city centre beyond midnight

(b) If you think that the Late Night Supply Period should be for a different period, what should be the hours? What are your reasons for this?

No

The reasons stated in 7(a) cover this response

Consultation Question 8

(a) Do you agree that prescribed premises providing overnight accommodation should be exempt? Please explain your views.

Yes

The levels of crime and ASB linked to these venues is minimal / non existent, they do not adversely impact the NTE infrastructure or draw its resources

Consultation Question 9

(a) Do you agree that prescribed theatres should be exempt? Please explain your views.

Yes

The levels of crime and ASB linked to these venues is minimal / non existent, they do not adversely impact the NTE infrastructure or draw its resources

Consultation Question 10

(a) Do you agree that prescribed cinemas should be exempt? Please explain your views.

Yes

The levels of crime and ASB linked to these venues is minimal / non existent, they do not adversely impact the NTE infrastructure or draw its resources

Consultation Question 11

(a) Do you agree that prescribed bingo halls should be exempt? Please explain your views.

Yes

The levels of crime and ASB linked to these venues is minimal / non existent, they do not adversely impact the NTE infrastructure or draw its resources

Consultation Question 12

(a) Do you agree that prescribed Community Amateur Sports Clubs should be exempt? Please explain your views.

Yes

The levels of crime and ASB linked to these venues is minimal / non existent, they do not adversely impact the NTE infrastructure or draw its resources

Consultation Question 13

(a) Do you agree that prescribed Community Premises should be exempt? Please explain your views.

Yes

The levels of crime and ASB linked to these venues is minimal / non existent, they do not adversely impact the NTE infrastructure or draw its resources

Consultation Question 14

(a) Do you agree that prescribed Country Village Pubs should NOT be exempt? Please explain your views.

Yes

The levels of crime and ASB linked to these venues is minimal / non existent, they do not adversely impact the NTE infrastructure or draw its resources

Consultation Question 15

(a) Do you agree that prescribed BID premises should NOT be exempt? Please explain your views.

Yes

There is no BID at present within Southampton, should there be any future scheme developed then its terms of reference would have to demonstrate it is linked solely with the Night Time Economy to seek any consultation on amending this stance

Consultation Question 16

(a) Do you agree that premises that only operate on New Year's Day between midnight and 6am should be exempt? Please explain your views.

Partly

The historic picture relating to licensed premises is that community venues open whereas the NTE zone demand is limited in comparison to average weekend demand. This would suggest an exemption for New Years Evening (NYE) from midnight to 0600 hours would be an acceptable compromise

The overriding fear would be that should the late night levy be ratified, future NYE demand profiles may change whereby NTE zone venues may use this opportunity to market all night promotions to seek. This would need to be monitored, in terms of any adverse impact on public safety, crime and disorder regarding any future consultation on amending this stance

Consultation Question 17

(a) Do you agree that prescribed premises that receive Small Business Rate Relief should NOT be entitled to a reduction in the levy? Please explain your views.

Yes

There is existing regulations around this area, any premises operating in the Night Time Economy can apply for such relief

Consultation Question 18

(a) Do you agree that at this time members of business-led Best Practice Schemes should NOT be entitled to a reduction? Please explain your views.

Yes

At present there is a licensing link for a proportion of the licensed venues operating in the city centre, however, the current outcomes for member non attendance at meeting, failure to pay membership fees, sanctions and other aspects related to its constitution are NOT sufficiently established

The police and Southampton city council licensing work closely with licensing link, the licensing link are actively looking to improve their constitution. The police would be open to consult, contribute and assist in the development of business led best practice scheme that could then be "fit for purpose" to apply for a reduction inline with legislative criteria

(b) Do you agree that such a scheme should be developed? If so, what should be in the details? How can it be developed? How will it be led?

Yes

The police would be open to consult, contribute and assist in the development of business led best practice scheme. The police are already developing training around reducing vulnerability and other inputs for licensed venues, the opportunity to develop a comprehensive best practice scheme would benefit the Night Time Economy

The police would be envisage the success of the scheme being dependent on the licensing link members administering the scheme independently, their membership and revenue raised should pay for an individual paid to administer the scheme on behalf of all the members

(c) If such a scheme were to be developed, do you agree that members should be entitled to a discount?

Yes

The legislation allows for consideration of a discount, the police stance would be to continue to work closely with Southampton City Council licensing department and other partners to contribute / consult with any other business led practice scheme so that such a scheme meets the criteria laid out in the Police Reform and Social Responsibility Act 2011

Consultation Question 19

(a) Do you agree that the net revenue from the levy should be split 70:30 between the Hampshire Police and Crime Commissioner and the Council?

Please explain your views.

Yes

The demands of policing the Night Time Economy (NTE) within Southampton place a heavy demand on the police and Southampton city council. This in terms of resources to minimise the effects of drink related crime and disorder and ensure public safety, conservative estimates place this financial burden at £1.6 million per annum

The 70:30 split is enshrined within the legislation, the Police and Crime Commissioner (PCC) for Hampshire Simon Hayes has already pledged on behalf that the whole 70% Hampshire Constabulary of the levy (if adopted) would be devoted to Southampton Night Time Economy

(b) If you think that the Hampshire Police and Crime Commissioner should receive a larger (than 70%) proportion of the net revenue, please state what percentage you propose? [N.B. It is not possible to reduce the proportion to below 70%.] Please explain your views.

No

The police feel the important aspect is that all 100% of monies raised by any potential late night levy are devoted to Southampton Night Time Economy, irrespective of the split of revenue

Consultation Question 20

(a) Do you have any comments on the range of activities which the Council would wish to develop using its share of the levy revenue? Is there anything else that you would like to see? Please explain your views.

Yes

The police feel the important aspect is that all 100% of monies raised by any potential late night levy are devoted to Southampton Night Time Economy. The police would agree there should be a council decision to align any residue monies from any prospective late night levy towards a community initiatives centred on reducing the effects of alcohol consumption, reducing vulnerability of those within the night time economy and public health based preventative campaigns

(b) Would you support developing a single programme delivered in partnership between the Council and the police? What would you like it to cover? Please explain your views.

Yes

The police would agree there should be a partnership decision to align any residue monies from any prospective late night levy towards community initiatives centred on reducing the effects of alcohol consumption, reducing vulnerability of those within the night time economy and public health based preventative campaigns

The allocation of funds should be subject to public scrutiny, there are existing tactical groups under the strategic umbrella of the Safer City Partnership for Southampton that could be used to develop such partnership initiatives and plans (such as the NTE steering group)

There are a significant number of persons who enjoy the NTE in Southampton but live outside the city, should they then injure themselves in the NTE they are effectively accessing ambulance and public services which is effectively diverting services from local residents (council tax paying residents) at peak times. The police feel there should be some thought around how this financial burden could be offset in an equitable manner

Consultation Question 21

(a) Do you agree that the Council should seek to implement the LNL on 1st February 2015? Please explain your views.

Yes

The timescales meet the legislative process for public consultation

(b) If you think that the LNL should be implemented on a different date, what date do you propose? Please explain your views.

No

The timescales meet the legislative process for public consultation

(c) Have you any other comments on the proposed timetable? Please explain your views.

No

I appreciate if the timescales were aligned to existing dates for collection of licence fees this would be easier for the administration of any late night levy scheme (if adopted)



Inspector Justin Roberts, Community Safety and Licensing

SOUTHAMPTON CITY COUNCIL

LATE NIGHT LEVY PROPOSAL

QUESTIONNAIRE RESPONSE OF JD WETHERSPOON PLC

QUESTIONNAIRE

Please complete and return this questionnaire by **THURSDAY, 31st JULY 2014:**

BY POST to: Late Night Levy Consultation, Licensing Southampton City Council, PO Box 1767, Southampton, SO18 9LA

BY EMAIL to: licensing.policy@southampton.gov.uk

Consultation Question 1 - COSTS

- (a) Do you agree that the costs of policing and other arrangements for the reduction or prevention of crime and disorder in connection with the late-night supply of alcohol are a fair assessment?
- (b) Do you think that any of the costs ought not to be taken into account?
- (c) Do you think that there are other costs that should be taken into account?

(a) We have no reason to doubt the £1.6million per annum figure provided by Hampshire Police for the policing of Southampton City Centre between Midnight and 0600.

Unfortunately a fair assessment of the those costs in so far as they support the introduction of a late night levy is impossible as no evidence is provided as what proportion of those costs arise in connection with the supply of alcohol, specifically between the hours of midnight and 0600. Southampton City Centre is a large and vibrant commercial, leisure and increasingly residential centre and it is a perfectly reasonable assumption that a significant proportion of those costs will still arise irrespective of the supply of alcohol.

S125(3) of the PRSR Act states that in making a decision under subsection(2) a licensing authority must consider:

- (a) "the costs of policing and other arrangements for the reduction or prevention of crime and disorder, in connection with the supply of alcohol between midnight and 6am, and
- (b) having regard to those costs, the desirability of raising revenue to be applied in accordance with section 131

Given that the costs of policing in connection with the supply of alcohol (our emphasis) are not provided in the consultation, it would appear that the Council cannot comply with s125(3)a and that the whole proposal is flawed.

This lack of evidence is compounded by the fact that no costs at all are provided for the policing or other arrangements outside the city centre area.

The costs of the other arrangements referred to in s125(3) again have to be those in connection with the supply of alcohol. Para 4.11 appears to be an attempt to give some figures, but do the schemes reduce or prevent crime and disorder (see (b) below)?

Taxi Marshals are based in three locations in the city on weekend nights, they do assist with reducing disorder, however a frequent bone of contention is that the taxi drivers / firms refuse to contribute to their cost at all. 18 months or so ago we contributed £250 from our three city centre pubs to fund the scheme.

Reference is made in para 4.13 to the number of Emergency Department attendances in Southampton in relation to alcohol. An estimate is given as to the figure of such attendances, however, this again does not distinguish based on time and thus cannot be properly considered within the context of s125(3). This is true of the costs attributed to alcohol related healthcare cited in the paragraph, as well: the Council readily admits that "there is no way of identifying the costs directly attributable to the NTE." Strictly speaking, as these costs are not related to the reduction or prevention of crime and disorder, they should not be under consideration.

(b) All costs other than those for policing and other arrangements for the reduction or prevention of crime and disorder stemming from the supply of alcohol between the hours of midnight and 0600 must be disregarded.

Specific costs are provided for 3 services funded to support the NTE (Taxi Marshalls, Street Pastors and I.C.E bus). Though we do not contest the valuable work undertaken by these programmes, they are arguably not intended to reduce or prevent crime and disorder with the exception of taxi marshalls on which we have commented above.

The costs set out from the Alcohol Concern at para 4.13 should be similarly disregarded for the reason set out above.

(c) No.

Consultation Question 2 – CRIME AND DISORDER

- (a) Do you agree with the assessment of crime and disorder in connection with the late-night supply of alcohol?
- (b) Do you think anything has been left out?
- (c) Do you think that anything mentioned should not be taken into account?

(a) We do not question the accuracy of the base figures provided but do question the usefulness of the assessment.

The consultation lists the crime figures so “as to put the costs in context” and explain the need for them. However the figures themselves are not put in any sort of context so as to assist in establishing the desirability of the levy. In particular are crime and incident figures falling for example? If so, surely this is relevant to the issue if desirability given that a fall in costs would follow rendering the levy less necessary?

We note that figures provided by the Police regarding VAP offences, whilst showing an increase within the hours the LNL would be imposed, do not draw a direct correlation between the offences and the late-night supply of alcohol. They state that 30% of VAP offences are linked as having an offender in drink at the time of the incident, but we are left to guess how that 30% is distributed between the times of 1900 and 0600. Furthermore, there is no evidence supplied at all linking ASB to the late-night supply of alcohol.

An additional question raised by the statistics is even where an offender has consumed alcohol prior to an incident, was that alcohol consumed within the period 0000 to 0600 or earlier? It is only costs incurred in connection with alcohol consumed in that period which can be taken into account.

(b) Please see above.

(c) Please see above.

Consultation Question 3 – BENEFITS OF A NTE

- (a) Do you agree with the assessment of the benefits of the Night Time Economy in the City?
- (b) Do you think there are any other benefits?
- (c) Do you think that any benefits mentioned are not relevant?

(a) We completely agree with the assessments recognition of the NTE as providing economic benefits to the City. We are concerned however that the Council's assessment has made no attempt to quantify the economic benefits of the NTE to Southampton. How can any analysis of the impact of the levy economically be assessed in the absence of such figures.

(b) Greater consideration should also be given to the links between the NTE and the wider visitor economy. Those who visit the city for the NTE will generate income for hotels, taxis, retail outlets etc. operating outside the NTE. As above, no effort has been made to quantify this either.

Premises operating in the NTE also make a large contribution via business rates and of course the wages paid to their employees which in turn help drive economic activity in the city and beyond.

The NTE also has a less tangible but no less important benefit as being the basis for a regional and national perception of the city as an exciting, vibrant and "must visit" location.

(c) No.

Consultation Question 4 – INCOME FROM THE LNL

(a) Do you have any comments on the potential income that the levy may raise?

(a) The Council estimates a figure of £240,000 will be generated by the levy but will likely be reduced to circa £100,000 depending on the late night supply period, if exemptions or reductions are agreed to, and operators looking to escape liability by varying their premises licence so that alcohol does not continue past 0000.

Many operators in the NTE will only trade past midnight on a limited number of nights and for a limited time, perhaps even an hour on Friday and Saturday, particularly away from the city centre. Trade is often not at its peak at such times given the levels of levy liability such operators will have to examine very closely whether or not having taken staff costs into account it will be worth opening.

If the Council's figure is accurate then 100k does not seem a significant sum when set against the disadvantages of the levy set out in our response and that of others we have seen. Of course the Council's share is capped at a maximum of 30% of that making the gain for it even more marginal given the estimated 25k cost to introduce the levy in the first year and 15k to administer it in future years.

We fully appreciate the current budgetary difficulties of the Council and the superficial attractiveness of any additional income but adverse impact the levy will have on the NTE and the wider economy will, in our opinion, outweigh any financial benefit to the Council.

It is our intention to remove liability to pay the levy for all our premises likely to be effected. This will reduce the overall levy income by £8,557.00. If this is replicated by other operators then the economic case for the levy is undermined.

Consultation Question 5 – NEED TO RAISE REVENUE

- (a) Do you agree that there is a need to raise the revenue that a levy may produce?
- (b) Are there any other issues that you would like the Council to consider?

(a) We note the financial circumstances of the Council but the key issue to consider whether the monies raised could be better used if retained by the operators and diverted into partnership initiatives willingly created and participated in which can efficiently target the NTE directly.

(b) No

Consultation Question 6 – DESIRABILITY OF THE LNL

- (a) Do you agree that it is desirable to raise the revenue through a levy to be used by the police and the Council?
- (b) Have you any comments on the considerations expressed in section 4?
- (c) Are there any other matters which you think that the Council should take into account in deciding whether it is desirable to introduce a levy?

(a) We do not consider it desirable to raise the revenue via a levy. It will impose a significant further cost burden on the hospitality industry when the overall costs whether of food, drink, labour and taxes continue to rise and customers' real incomes shrink impacting on profitability.

We have calculated a total annual levy payment for our premises in Southampton of £8,557.00. At current rates of profit conversion this will mean we need to take an extra £59,000 to cover the costs if we chose to pay the levy.

In addition to the above we of course pay business rates and a contribution to contribution to SCC. Rates are going to be £187,521 this year for our 4 pubs affected by the levy.

We are large national operator better placed to absorb such costs but smaller independent operators may not, leading to a loss of individuality and diversity in the NTE if those operators choose not to trade in it.

(b) Please refer to our previous responses

(c)The NTE is also not composed solely of businesses which may lead to crime and disorder. Many businesses impacted by the levy serve a diverse customer base visiting cinemas, theatres and other cultural events. It is these businesses that will be most affected by the levy in that their trade in the levy period may not be great in comparison to alcohol led, high volume premises and therefore have the least means to pay it. They are most likely to opt not to trade beyond 0000 leaving a mono culture of larger premises and cutting down customer diversity in the NTE; a diversity which has been established as making for a more peaceable atmosphere in town and city centres.

The Council should also consider the risk of a de facto uniform terminal hour for premises arising as operators cut back their premises licences to cease at 0000. This will mean more customers on the street at the same time with resultant pressure on resources such as taxis, fast food outlets and policing. Ironically those premises will not face the cost of contributing to that policing given the levy will not affect them.

If operators do choose to pay the levy then they will have to look to ways to generate the additional income to pay it. In an NTE which is already very competitive this will lead to further discounted drinks promotions

Given the net contribution the NTE makes to Southampton and its citizens, the justification for imposing a greater financial burden on it needs to be a compelling one.

If operators do choose to pay the levy then it will impact funding they can provide for other initiatives such as BIDs, Pubwatch and Best Bar None, schemes which have shown.

The fairness of the levy should also be taken into account. We operate our premises in Southampton in close cooperation with the Police and other authorities. We adhere to responsible drinks retailing and steer away from the promotions run by other operators which undoubtedly encourage intoxication and anti-social behaviour. The levy however makes no distinction between good and bad operators. The justification for a levy in general terms has been expressed as making the polluter pay but of course whilst the polluter does pay so do others who contribute little to the crime and disorder, the cost of reducing the levy seeks to meet. This is especially true of operators outside the city centre who will be caught by the levy. As an alternative we advocate an approach whereby targeted enforcement takes place against those who can be seen to be causing crime and disorder in the NTE via the tools available under the Licensing Act 2003.

Consultation Question 7 – LATE NIGHT SUPPLY PERIOD

- (a) Do you agree that the Late Night Supply Period should be a period that begins at midnight and ends at 6am? What are your reasons for this?
- (b) If you think that the Late Night Supply Period should be for a different period, what should be the hours? What are your reasons for this?

(a) We do not support the levy and therefore have no comment on the extent of the supply period.

We note the Council justifies the decision on the basis that it considers all premises opening during this period will impact on the need for additional resources and so should contribute to the costs. The consultation contains no evidence to support this assertion.

(c) Please see above.

Consultation Question 8 – EXEMPTIONS – OVERNIGHT ACCOMMODATION

- (a) Do you agree that prescribed premises providing overnight accommodation should be exempt? Please explain your views.

(a) We are extremely surprised by the above proposed exemption. Southampton receives many visits from large groups such as stag and hen parties many of who stay in hotels with bars. It is our experience that such groups drink extensively in such bars either before or after visiting other venues in the city centre and it seems manifestly unjust that such premises be exempt from the levy

As a general principle, we do not support any proposed exemption to the levy. The basis of the introduction of the levy is to meet the costs of policing and other arrangements for the reduction or prevention of crime and disorder, in connection with the supply of alcohol.

There is nothing inherent in any of the proposed exemption categories which suggests that the alcohol supplied on such premises is any less or more likely to contribute to such crime and disorder.

Consultation Question 9 – EXEMPTIONS – THEATRES

(a) Do you agree that prescribed theatres should be exempt? Please explain your views.

(a) No. Please see the above explanation.

Consultation Question 10 – EXEMPTIONS – CINEMAS

(a) Do you agree that prescribed cinemas should be exempt? Please explain your views.

(a) No. Please see the above explanation.

Consultation Question 11 – EXEMPTIONS – BINGO HALLS

- (a) Do you agree that prescribed bingo halls should be exempt? Please explain your views.

- (a) No. Please see the above explanation

Consultation Question 12 – EXEMPTIONS – COMMUNITY AMATEUR SPORTS CLUBS

- (a) Do you agree that prescribed Community Amateur Sports Clubs should be exempt? Please explain your views.

- (a) No. Please see the above explanation.

Consultation Question 13 – EXEMPTIONS – COMMUNITY PREMISES

- (a) Do you agree that prescribed Community Premises should be exempt? Please explain your views.

- (a) No. Please see the above explanation.

Consultation Question 14 – EXEMPTIONS – COUNTRY VILLAGE PUBS

- (a) Do you agree that prescribed Country Village Pubs should NOT be exempt? Please explain your views.

- (a) Yes.

Consultation Question 15 – EXEMPTIONS – BUSINESS IMPROVEMENT DISTRICTS

- (a) Do you agree that prescribed BID premises should NOT be exempt? Please explain your views.

(a) Although we do not support the implementation of a levy, if one were to be implemented, we would support an exemption for a BID to be incorporated into the levy agreement. The existence of an exemption would be an encouragement for one to be developed. Where BIDs with a late night focus exist, as in Nottingham and Birmingham, they have proved effective in addressing a wide range of LNE related issues. Nottingham implemented BID and allowed it to be exempt from the levy.

Consultation Question 16 – EXEMPTIONS – NEW YEAR'S EVE/DAY

- (a) Do you agree that premises that only operate on New Year's Day between midnight and 6am should be exempt? Please explain your views.

(a) Yes. It is manifestly wrong that premises whose premises licence, largely by way of a grandfathered right, only allows sale of alcohol in the proposed levy period on New Year's Eve, should find themselves subject to the levy. Without the exemption such premises will be forced to vary their licences creating a large administrative burden for the Council.

Consultation Question 17 – REDUCTIONS – SMALL BUSINESS RATES RELIEF

- (a) Do you agree that prescribed premises that receive Small Business Rate Relief should NOT be entitled to a reduction in the levy? Please explain your views.

(a) To be consistent with our approach to exemptions outlined above, we do not consider a reduction should apply to such premises. Alcohol sold from them is no more or less likely to contribute to crime and disorder.

Consultation Question 18 – REDUCTIONS – BUSINESS-LED BEST PRACTICE SCHEMES

- (a) Do you agree that at this time members of Business-Led Best Practice Schemes should NOT be entitled to a reduction? Please explain your views.
- (b) Do you agree that such a scheme should be developed? If so, what should be the details? How can it be developed? How will it be led?
- (c) If such a scheme were to be developed, do you agree that members should be entitled to a discount?

(a) We would support a full reduction for participation in any scheme capable of showing a purpose which results in, or is likely to result in, the reduction or prevention of crime and disorder in connection with the supply of alcohol.

The difficulty in precluding schemes from the outset in the hope that they will develop after the levy is that the funding required to run such schemes will be spent by operators on the levy. The consultation document was written whilst Southampton Licensing Link ("SLL") were amending their constitution following advice from Southampton City Council licensing team and Hampshire police. Since then steps have been put in place to eject venues from Licensing Link should they continuously, deliberately let in individuals with a red card; if they do not regularly review the red card website and if they do not attend the quarterly SLL meetings. We were assured at local level by the Southampton City Council licensing team that with these steps now in place, they would support the 30% reduction for active members.

(b) Yes we would agree in the development of such a scheme notwithstanding the obstacles above. Such a scheme would have to arise from collaboration between all stakeholders but of course there already exist templates for successful best practice schemes such as Pubwatch, Best Bar None etc. which would serve the needs of the NTE well. There would be no need to create a new type of scheme, though we would be supportive of such a scheme if set up.

(c) We agree that a full 30% discount should be applied to members of business led best practice scheme. The existence of such an exemption would be an encouragement to the creation of a scheme. There have been verbal and written confirmations to our local operations team that active SLL members would receive the full 30% discounts and it is disappointing not to see that carried through.

Consultation Question 19 – SPLIT LEVY BETWEEN POLICE & COUNCIL

- (a) Do you agree that the net revenue from the levy should be split 70:30 between the Hampshire Police and Crime Commissioner and the Council? Please explain your views.
- (b) If you think that the Hampshire Police and Crime Commissioner should receive a larger (than 70%) proportion of the net revenue, please state what percentage you propose? [N.B. It is not possible to reduce the proportion to below 70%.] Please explain your views.

(a) We were opposed during the initial consultations surrounding the Late Night Levy to such a significant amount of levy receipts going to the Police in that monies retained by Councils would be ploughed back into the NTE whereas the police's share was not ring-fenced in any way. Whilst being opposed to the levy in principle, we support the proposed split as a means of ensuring the Council retain the maximum amount of levy receipts possible.

(b) Please see above.

Consultation Question 20 – USE OF THE REVENUE

- (a) Do you have any comments on the range of activities which the Council would wish to develop using its share of the levy revenue? Is there anything else
- (b) Would you support developing a single programme delivered in partnership between the Council and the police? What would you like it to cover? Please explain your views.

(a) We note the breadth of activities envisaged and have some concern that the Councils limited levy receipts estimated at about £30,000.00 (not including the cost of administration of 25k for the first year and 15k for the following years) will be insufficient to meet the funding for them. Priorities will need to be established.

If the Council wishes to develop a best practice scheme funding will be required for this also.

No reference is made to involving operators whose money is being spent in developing any initiative or in prioritising spend. Such involvement will be crucial and must be encouraged if the levy proceeds.

(b) We would support a single programme but again stress the need for operator involvement from the outset.

Consultation Question 21 – IMPLEMENTATION DATE & TIMETABLE

- (a) Do you agree that the Council should seek to implement the LNL on 1st February 2014? Please explain your views.
- (b) If you think that the LNL should be implemented on a different date, what date do you propose? Please explain your views.
- (c) Have you any other comments on the proposed timetable? Please explain your views.

(a) We oppose the levy in principle but if it is to be carried through then there should be sufficient time for operators affected to budget for the levy or change their operation accordingly. We advocate a 6 month period from ratification to implementation to allow this.

(b) Please see above.

(c) No

HAVE YOU ANY OTHER COMMENTS THAT YOU WISH THE COUNCIL TO CONSIDER?

No

PLEASE INCLUDE YOUR PERSONAL DETAILS

| MY DETAILS ARE: | |
|----------------------|---|
| MY FULL NAME: | Nigel Connor Head of Legal JD Wetherspoon PLC |
| MY ADDRESS: | Wetherspoon House Reeds Crescent Watford |
| MY TELEPHONE NUMBER: | 07818 232529 |
| MY EMAIL ADDRESS: | nconnor@jdwetherspoon.co.uk |

| | | |
|--------------|---|---|
| I AM: | A Licence Holder | Likely to be subject*/ Not likely to be subject to* the LNL (*delete as appropriate) |
| | A Resident | |
| | A Representative of a Licence Holder | |
| | A Licensing Solicitor/Professional | |
| | An Interested Person | |
| | Other | |
| | <i>(DELETE as appropriate)</i> | |

CONFIDENTIALITY

The Council cannot guarantee that any information that you pass to us can be treated as confidential. The Council is subject to a number of regimes that affect disclosure, including the Local Government (Access to Information) Act 1985, the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. In particular, your response is likely to be classed as a background paper to future committee reports and open to public inspection.

If you want the information that you disclose to be treated as confidential, please explain why you feel that the information is confidential. We will fully take that into account when we consider whether your information should be disclosed, although we cannot give an assurance that confidentiality can be maintained in all circumstances.

| | |
|---|--------------------------|
| Please tick if you would like your response treated as confidential: | <input type="checkbox"/> |
| Please give your reasons in the box below: | |
| | |

From: [John](#)
To: [Licensing Policy](#)
Subject: Late night levy consultation
Date: 18 July 2014 14:19:02

I agree with all the proposals for a late night levy
John Allen,
17, Sycamore Lodge,
Paynes Road,
SO153SE

Sent from Samsung tablet

From: [kamal miah](#)
To: [Licensing Policy](#)
Subject: licensing charges
Date: 08 May 2014 14:32:38

hello i believe the bars and clubs should pay for the charge as the police have to always attend to the clubs and bars violent crimes. if i called 999 for them to come out and stop a robbery or a fight that would be nowadays hard to get. the crime would have already been committed. they would attend 2 hours later. by then no point because they are attending the clubs and bars. they are commercial business they should pay commercial rates. not pay the taxpayer rate for the extra service. thank you kamal miah