

Late Night Levy Consultation,
Licensing,
Southampton City Council,
PO Box 1767,
Southampton
SO18 9LA

SENT BY EMAIL

30 July 2014

**Southampton City Council Late Night Levy Consultation – Representation by O2 Guildhall Southampton,
West Marlands Road, Southampton, United Kingdom, SO14 7LP**

We, Live Nation (Music) UK Limited, write on behalf of our venue the O2 Guildhall Southampton and would be obliged if you could treat this letter as a formal representation to Southampton City Council's Late Night Levy Consultation.

The O2 Guildhall Southampton is one of the South's largest multipurpose entertainment venues with a capacity of 1,749. It has been operated by Live Nation (Music) UK Limited since February 2003 and as such, soon established a local and national reputation as a superb music venue for local and international bands and performers that would not otherwise have come to Southampton. The venue has hosted some of the biggest names in music from Pink Floyd & David Bowie in the 70's to present day bands such as Hard Fi, Manic Street Preachers, The Killers, The Kaiser Chiefs & Amy Winehouse and it continues to bring big names in music to the stage. It is also famed for hosting new local talent (Delays, Band Of Skulls as examples) and regular bands as part of its vibrant musical mix. The O2 Guildhall Southampton is highly regarded in the live music community and in 2006 won the Live Nation Venue Of The Year award, it is also extremely well known in Southampton for being a popular destination for those who enjoy live music and entertainment in a safe and intimate environment. The venue employs 15 full-time and 1 part-time staff and up to 60 casual staff, in addition to contracted security personnel provided by Showsec.

The venue also has a strong corporate social responsibility ethics and regularly host charity events, such as The Mayor's Charity Ball and Royal Marines Band Charity Concert, on a regular basis. Further, Live Nation and the O2 Guildhall Southampton have a strong connection with Cancer Research UK, which has been their nominated charity for a number of years.

As noted above, the O2 Guildhall Southampton is a multipurpose entertainment venue holding events from live music to theatrical performances and concerts. We contribute little to crime, disorder and anti-social behaviour in the City and are proud of our record in this respect. The venues that the Late Night Levy (the "Levy") is designed to capture are the late night clubs and bars which contribute towards the policing and other resources required to manage the night time economy in Southampton. However, the Levy fails to discriminate between different late-night venues and, in the absence of an appropriate exemption, the O2 Guildhall Southampton would still be caught under the regulations. Consequently, if the Levy is applied the O2 would need to either reduce the terminal hour on its premises licence to the detriment of its customers or to pay the amount of the Levy in addition to its other financial contributions. In our submission, it is both unfair and unnecessary for the O2 Guildhall Southampton, which already pays business rates and premises licence annual fees, to be compelled to contribute further funding as part of the Levy scheme.

In any event, we would question whether it is appropriate for Southampton City Council to introduce a Levy scheme. We are aware that a number of local councils around the country have considered whether to introduce or consult on a scheme and many have decided not to do so following a consultation.

We are of the view that venue management rather than increased funding is key to the improvement of late night behaviour. This has been evidenced by the introduction of "Best Bar None" in a number of cities including Southampton. Many venues operate discounted drinks promotions and badly manage their customers resulting in poor late night behaviour. However, the Levy captures all late night premises and does not distinguish between good and bad operators. Therefore it fails to identify the individual contribution to crime and disorder and anti-social behaviour from specific problem premises and is indiscriminate and unfair in its general application. The Levy will result in good operators being forced to contribute due to the consequences of bad operators and therefore fails to adopt the principle of "the polluter pays".

Further to this, the Levy makes the false assumption that operators who serve alcohol late at night are a higher contributor to alcohol related harm. In this way, if the Levy is introduced some operators would be contributing little in terms of bad night behaviour but having to contribute a significant proportion of the cost.

Business premises are already required to contribute to the cost of the services provided by local authorities through business rates and there is a reasonable expectation that business rates should offset some of the costs sought from the Levy. Such rates are already higher in the city centre than elsewhere and already place a financial burden upon industry in Southampton.

We also contribute to Southampton's security in a practical way. We utilise CCTV, train our staff and employ security to assist with any anti-social behaviour. Therefore by contributing both financially and practically in an effort to minimise alcohol related issues it is unfair to place an additional tax on to the premises.

Further, the night-time economy contributes a significant proportion to Southampton's economy and as such should be promoted. In our view, imposing a greater financial burden on it is unwise, especially given the lack of evidence of the proposed efficacy of the Levy. The Levy would also affect the wider Southampton area, discouraging new developments and result in increased unemployment.

The Levy may also have unanticipated ramifications that could actually have the opposite effect of the one intended. Venue operators may seek to avoid the Levy and could therefore close at the latest possible time before the Levy would apply and hence create a uniform closing time. This could place increased pressure on policing, taxes and fast food outlets as was experienced in Newcastle upon introduction of their Levy.

Alternatively, with the current economic climate, operators choosing to remaining open during the Levy hours will undoubtedly seek to recoup profits to offset the Levy by holding even further discounted drinks promotions or by increasing drink costs overall. Customers may respond by choosing to pre-load with drinks from cheaper retailers before venturing out. This combined with the reduced number of premises open during such hours and the fact that customers would be in a more concentrated area could result in increased instances of the anti-social behaviour that the Levy seeks to avoid which would be more damaging to police services.

As a result of this and the lack of evidence to show that the Levy would have a beneficial effect, it is our submission the Levy be reserved for situations where existing improvement schemes have proved inadequate. We believe that a fairer and far more productive initiative would be to implement a Business Improvement District Scheme. We are aware that a voluntary scheme was rejected by local businesses in 2009 by a small majority but we believe it is now time to revisit the idea and expect it will be supported by late night venues in particular. A number of cities/towns have implemented such schemes with great success. For example in Angel, Islington a BID scheme was implemented in 2007 and has recently been awarded a Purple Flag Award. All the investment and funding from this scheme has been spent on improvements and projects which benefit local business and the community with the following effects; increased support for the Angel Police Team, reduced crime and improved CCTV camera coverage in the area.

In any event, if a Levy Scheme is implemented we believe it is only fair that a full discount should apply to those premises that take part in the City's Best Bar None initiative.

Finally, for all the reasons outlined above we would urge the Council to determine that it is neither necessary nor fair for a Late Night Levy scheme to be introduced in Southampton.

Yours Faithfully



Live Nation (Music) UK Limited, on behalf of the O2 Guildhall Southampton

From: [Residents Action](#)
To: [Licensing Policy](#)
Subject: FW: Night Time Levy Consultation Response
Date: 14 June 2014 16:25:36

Please complete and return this questionnaire by 31st July 2014

BY E-MAIL 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?

YES

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

NO, I cannot think of any

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

(a) **NO**

(b) **NO**

(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?

YES

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

NO

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

(a) **NO**

(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?

NO, I do not agree, there are no benefits, unless the Council think that ruining the health of mainly young people and making them a burden on the NHS is some kind of benefit to our society.

I do not think it is

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

NO,, there were none in the first place

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

(a) **NO**

They are mentioned to make it look as if there is less nuisance, crime , ASB from NTE antics than endured by long term citizens and proven by statistics, diaries and videos

(b) No comment

(c) No comment

Consultation Question 4 – INCOME FROM THE LNL

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

(a) **YES, there appears to be not much left over for police and Council after expenses and administration**

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?

YES

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

(a) **No Comment**

(b) **No comment**

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?

YES

(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) **YES**

(b) **NO**

(c) **Please realise that so very many residents have been driven out of the city by over 25 years of NTE ASB that there will be few left able or willing , or with the strength to answer these questions.**

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?

YES, that is when most ASB occurs, as recorded by both police and residents

(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 comment**

(b) **No comment**

Consultation Question 8 – EXEMPTIONS – OVERNIGHT ACCOMMODATION

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

(a) **YES, as some could be small hotels /guest houses that cause no NTE mayhem with their patrons.**

Consultation Question 9 – EXEMPTIONS – THEATRES

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

(a) **YES, theatregoers are not likely to be drunken hooligans or vandals**

Consultation Question 10 – EXEMPTIONS – CINEMAS

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

(a) **YES, Cinemagoers are not likely to be involved in ASB .**

Consultation Question 11 – EXEMPTIONS – BINGO HALLS

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

YES, Bingo fans are not known to be involved in ASB or drunken antics

(a)

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) **YES, not many late night boozing sessions connected to sports events or the events are not too frequent**

Consultation Question 13 – EXEMPTIONS – COMMUNITY PREMISES

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

Please explain your views.

(a) **YES, most community events would not be likely to turn out many drunken persons at closing time**

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) **NO, I think they should be exempt (not many police available to be called in after midnight, until 06.00 in the countryside anyway)**

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 comment**

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, we have had to cope with these extra hours in the past so it may not be much worse in the future.**

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 comment, do not know enough about the subject**

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 comment, do not know enough to give a fair opinion**

(b) **No comment**

(c) **No comment**

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.

YES, that seems a fair enough ratio

- (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) **No comment**

(b) **No comment**

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.

No comment

- (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) **No comment**

(b) **No comment**

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.

YES ,as soon as possible please,hopefully to reduce NTE crime and nuisance

- (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**

(b) **No comment**

(c) **No comment**

PLEASE INCLUDE YOUR PERSONAL DETAILS

MY DETAILS ARE:

MY FULL NAME: Lorraine Barter

MY ADDRESS: 42 Harborough Road Polygon Southampton SO15 2FY

MY TELEPHONE NUMBER: 023 80630988

MY EMAIL ADDRESS: residents.action@live.co.uk

A Licence Holder

A Resident **A RESIDENT**

A Representative of a Licence Holder

Likely to be subject*/Not likely to be subject to* the LNL

(*delete as appropriate)

A Licensing Solicitor/Professional

An Interested Person

Other

I AM:

(DELETE as appropriate) (Details of your interest)

HAVE YOU ANY OTHER COMMENTS THAT YOU WISH THE COUNCIL TO
CONSIDER? **NO, thank you**

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.

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From: [Rebecca Cullum](#)
To: [Licensing Policy](#)
Subject: Late Night Levy Consultation Response
Date: 31 July 2014 16:05:46
Attachments: [Southampton ALMR LNL Response.pdf](#)
Importance: High

Dear Sir/Madam,

In response to the Consultation on the Late Night Levy, please find attached submission from the ALMR.

As members of the ALMR, The Luminar Group Ltd, on behalf of our Oceana venue in Southampton, agree with everything in the attached submission and would like this to be also used as our response.

Thanks

Rebecca Cullum

Licensing Officer | The Luminar Group

D : 01908 544253 | M : 07900 277666 | F : 08444 172899

A : Luminar House Deltic Avenue Rooksley, Milton Keynes, Buckinghamshire, MK13 8LW

E : Rebecca.Cullum@luminar.co.uk



Winner of Best Late Night Operator

The Luminar Group Limited incorporated in England and Wales with registered no 07870512.

Registered Address: Luminar House, Deltic Avenue, Rooksley, Milton Keynes, MK13 8LW.

t: 01908 544 100

www.luminar.co.uk www.oceanclubs.com www.liquidclubs.com www.lovesocial.co.uk www.fuzzylogicclub.com

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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)

VERY FAIR.

(b)

No.

(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)

Only City Centre Given.

(b)

Need a map of City Centre Boundary. Should include Portswood, Shirley, Bitterne.

(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.

(b)

No

(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)

No .

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)

Yes from all venues not just City Centre .

(b)

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)

Yes - mainly police.

(b)

No.

(c) Should be a 24 hr levy not 6 hrs
Especially on Supermarkets selling cheap
alcohol.

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 past 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. See c, above. Supermarkets significantly contribute to late night drinking problems by selling cheap alcohol, allowing the public to free load before a 'night out'.

(b) 24 hours. 00.00 - 23.59.

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) No. Customers will drink ^{at hotel} before going 'out on the town'

Consultation Question 9 – EXEMPTIONS – THEATRES

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

(a) if 24 hr license then no.

Consultation Question 10 – EXEMPTIONS – CINEMAS

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

(a)

No.

Consultation Question 11 – EXEMPTIONS – BINGO HALLS

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

(a)

No.

See above

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

See above

Consultation Question 13 – EXEMPTIONS – COMMUNITY PREMISES

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

(a)

No.

See above

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)

~~NO~~ YES.
See above

Consultation Question 15 – EXEMPTIONS – BUSINESS IMPROVEMENT DISTRICTS

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

(a)

YES.

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.

NO.

(a)

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) *YES. Should not be entitled*

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) *YES - Should NOT be entitled*

(b) YES but not run as a
Competition with winners etc like
Best Bar None

(c)

No.

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. Sounds about right!!

(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)

No.

(b)

No.

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)

YES.

(b)

N/A.

(c)

N/A.

PLEASE INCLUDE YOUR PERSONAL DETAILS

MY DETAILS ARE:

MY FULL NAME: MARGARET BEVERLEY ALLEN,
MY ADDRESS: 35, SOUTHCLIFF ROAD, SOUTHAMPTON, SO14 6GJ
MY TELEPHONE NUMBER: 07966 495 936.
MY EMAIL ADDRESS: rosscranfield@aol.com.

A Licence Holder

A Resident

A Representative of a Licence Holder

Likely to be subject* / ~~Not likely to be subject to~~ the ENL

(*delete as appropriate)

**A Licensing Solicitor/Professional
An Interested Person
Other**

I AM:

(DELETE as appropriate) (Details of your interest)

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

NONE.

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.

RESPONSE TO SOUTHAMPTON COUNCIL LATE NIGHT LEVY CONSULTATION

This is a response on behalf of Marston's PLC.

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?**

The Council acknowledges that "It has been difficult to be precise about the costs because financial systems do not always distinguish between costs on the basis of the time at which they were incurred. The benefits of some expenditure will be of value both during and outside of the late night supply period."

We appreciate that precise is difficult but the estimate of high visibility patrols at £588,829 is very precise but the further £1 million is attributed to the costs of custody, investigation and transport costs. No breakdown of these has been provided and the degree of adjustment to take into account other policing functions is not given. It is not therefore to make any comment as to whether these reflect the costs incurred.

The fact that there are policing costs between midnight and 6am is not disputed but we question how much of this cost would remain even if all the venues were to close at midnight. Policing during these hours covers a large number of public safety and criminal activity that occur whether or not the premises in question are open or not.

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

The consultation refers to the cost of street cleaning but does not attempt to provide an estimate of the NTE contribution to that cost. The NTE associated with the sale of alcohol contributes very little to the overall amount of refuse to be cleared and the streets need to be cleaned whether or not they are open beyond midnight. The additional costs are probably fairly modest albeit that cleaning could probably start earlier if the premises shut earlier.

Paragraph 4.13 refers to the costs associated with A&E admissions referring to an Alcohol Concern estimate of 21,699 attendances during 2010/2011 at a cost of £62 per adult in Southampton. This estimate is contradicted by a factor of nearly tenfold in the Southampton Safe City Plan 2013–2014¹ published on the Council's own website. The Safe City Partnership reports that "alcohol admissions have stabilised during 2012/2013 and that the target for 2013/2014 to reduce the figure by a further "5% to below 2,060. Apart from the fact that Alcohol Concern appear to over-exaggerate the situation in Southampton the costs incurred by A&E are not relevant to question as to whether there should a levy or not. None of any levy raised will go to the NHS and it is not designed to be as it to cover policing and council costs associated with the NTE. The consideration of such costs should not therefore be included.

¹ http://www.southampton.gov.uk/Images/Safe%20City%20plan%20amended%2031213_tcm46-323013.pdf

RESPONSE TO SOUTHAMPTON COUNCIL LATE NIGHT LEVY CONSULTATION

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

There are costs associated with the management and policing of public spaces late at night which either have no association with the venues selling alcohol or which are proposed to be excluded from the levy that will be picked up by those that are liable and for which no estimate has been given. It is generally acknowledged that not all alcohol related harm arises from the venues themselves and people drinking in theatres, cinemas and other places can add to the overall pattern of misbehaviour, particularly as people move around from one type of venue to another.

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?

It is disappointing that the data provided by the police through the consultation is not put into any context and there is no attempt to make any assessment of the crime and disorder in Southampton. We have looked to find that context and again it is provided by the Safe City Partnership report which states that:

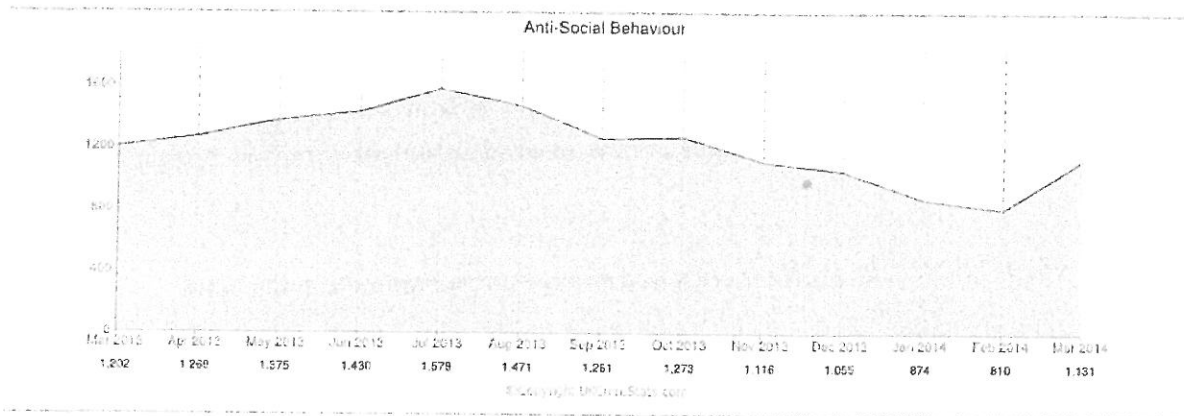
"Southampton is getting safer every year. Crime figures for 2013/14 show crime rates continue to fall in the city, improved detection rates and a significant reduction in anti-social behaviour incidents with a reduction of 18% on the previous year."²

This view is supported by the figures provided by UKCrimeStats³

² A copy of the Southampton Safe City Plan 2013-14 is attached to this response

³ <https://www.ukcrimestats.com/Subdivisions/UTA/2567/>

RESPONSE TO SOUTHAMPTON COUNCIL LATE NIGHT LEVY CONSULTATION



The statistics show a steady and significant decline on Anti-Social Behaviour from July of last year with an increase only in the final month, no explanation is available.

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

The consultation makes no reference to the reduction in crime that Southampton has seen over the recent past as reported by Safer City Partnership (below):

All crimes ↓16% Violent crime ↓19% ASB incidents ↓11% Burglary ↓20%

We recognise that Hampshire police are concerned about the level of violence against the person in Southampton, being one of the force’s main priorities but we note that the consultation refers to violent crime occurring between midnight and 6 am accounting for 16% of all violent crime of which 44% is believed to be alcohol related. **Put the other way round over 92% of violent crime has no connection with the NTE.** Despite the disclaimer that “there are also likely to be other crime types and incidents occurring in a public place during this time period that is not related to alcohol consumption or the NTE” the impression remains that all the incidents recorded can be attributed to late night venues selling alcohol.

Southampton policing priorities also include ‘begging and anti-social drinking in streets and parks’⁴, indicating that alcohol related problems do not exist in isolation in the NTE.

⁴ <http://www.police.uk/hampshire/1SW01/priorities>

RESPONSE TO SOUTHAMPTON COUNCIL LATE NIGHT LEVY CONSULTATION

The crime figures make no mention of illegal drug offences which are also relevant to the levels of anti-social behaviour and crime and disorder. While alcohol related violence decreased by 31% in 2012/13, drug related violence increased by 17% in the same period. This is not an insignificant factor when considerations of how to combat violent crime are being made.

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

No further comment

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?

As with the crime figures the consultation makes no attempt to assess the benefits of the NTE in Southampton other than in very broad qualitative terms referring to tax generation employment and training opportunities and the reliance of other businesses. Nor does it attempt analyse the effect on those benefits of the introduction of a levy.

The consultation gives 208 businesses in Southampton who would be liable for the levy which is likely to represent a turnover in excess of £100 million and provide employment for over 3,000 people, around 2% of the available workforce in Southampton⁵. This is not an insignificant part of the employment and leisure activity within the city. The levy will have to be found by these businesses either through cutting costs, increasing sales (mostly alcohol) or a fall in profitability. The burden will fall disproportionately on the smaller business where the levy represents a greater proportion of their turnover. The consultation is strong on the financial constraints on the police and the Council but states, without any evidence, that the "LNL is not expected to significantly affect the NTE in the City". At the same time the consultation acknowledges that of the premises in Newcastle "over a third have varied out of the levy period". This implies that a large number of presumably the smaller or quitter venues have left the NTE to the larger and generally more active venues. The Council should consider carefully how that would change the nature of the night time economy, and the loss of employment opportunities this will create.

⁵ <http://www.southampton.gov.uk/living/statsresearch/labourmarketinformation.aspx>

RESPONSE TO SOUTHAMPTON COUNCIL LATE NIGHT LEVY CONSULTATION

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

A vibrant night time economy brings life to a city which, as retail businesses come under increasing pressure from internet sales, needs people to populate the area, attracting tourists and other businesses into the city. The leisure offer and cultural activity of the city are inextricably linked, the one supporting the other. The introduction of the levy will introduce artificial constraints into the mix of businesses that operate, being largely geared to the younger end of the market who are more accepting of the energy generating venues.

Outside of the immediate city centre other businesses will be equally adversely affected by a levy which also brings economic benefits to their local community and the wider economy.

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

All benefits mentioned are relevant but we would argue that insufficient weight is being given to them.

Consultation Question 4 – INCOME FROM THE LNL

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

The consultation only provides the maximum potential figure that could be raised (£240,220) and a worst case scenario of £100,000. If a third of businesses do eventually apply to reduce their hours the top figure would be reduced by a similar amount to around £160,000 and exemptions would probably reduce this by perhaps £10,000 or more. Given a potential income on this basis the total amount raised would be £150,000. After the deduction for administration of £15,000⁶ on an on-going basis this leaves £135,000 to be distributed.

⁶ Estimates included in the Report to the Cabinet:
<http://www.southampton.gov.uk/modernGov/documents/s20723/Late%20Night%20Levy%20-%20Consultation.pdf>

RESPONSE TO SOUTHAMPTON COUNCIL LATE NIGHT LEVY CONSULTATION

The police portion of the £135,000 represents £94,500 which is less than 6% of the police estimate of £1.6 M of policing the City Centre, with the Council receiving £41,500. These are not particularly large sums of money given the very much larger budgets of the police and the Council and would not go very far to alleviate the pressure on those budgets, where savings of £80 Million are being sought by 2017. The consultation refers to a the police programme to cut £25 Million, as if this justifies the raising of a levy, which only amounts to 0.032% total police budget of over £300 Million.⁷

If the levy is introduced next February as the Council proposes it will not be until the start of the next levy year, February 2016, before the full potential of the levy is realised since the levy is payable on the anniversary of the Premises Licence Fee.

Operators in Southampton who have been granted permission to open late, by due process, are to suffer a financial cost which is unlikely to bring little or any gain since the small contribution to the police budget will be swallowed up without any appreciable level of service,

The financial burden on operators is dismissed without a thought as to where the money is to come from. A fee of £768 for a publican operating a tenanted pub in Band B could represent a 10% cut in his income. The Council dismisses the effect of the levy on those businesses that can least afford it.

We firmly believe that the Council should re-consider its intention to introduce the levy since we believe the gains to the Council and Police are outweighed by the financial effects on businesses in the City, notwithstanding that there are other negative outcomes that are likely to transpire if the levy is introduced.

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?

As we have commented in answer to the previous question we fail to see that there is a need to raise revenue through this mechanism, given the relatively small difference such revenue would

⁷ <http://www.hampshire-pcc.gov.uk/Document-Library/PoliceandCrimePlan-2013-2017-Summary.pdf>

RESPONSE TO SOUTHAMPTON COUNCIL LATE NIGHT LEVY CONSULTATION

make to the Council's overall budget. Greater cost savings would be achieved by continuing the approach that has been taken recently, which is reflected in the improved crime figures referred to earlier.

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

The Council might reach its objectives more effectively through dialogue with the venues concerned to determine how behaviour can be improved. Pubwatches and other similar initiatives can provide good platforms for debate and progress. We refer the Council to Blackpool where after the Council decided to defer its plans to introduce an EMRO the Council, the police and businesses are taking forward a series of initiatives which are aimed at improving the night time experience in the town.

The Council could also look to at the potential of a Business Improvement District (BID) which it all too readily dismisses on the grounds that "it is unlikely that any future BID will be designed to deal solely with the NTE between midnight and 6am". This is to entirely miss the benefits that BIDs can bring in improving the NTE as demonstrated by a number around the country. We would urge the Council to investigate the potential for a BID in Southampton, which would see the businesses working in partnership with the Council.

The introduction of a levy will have a detrimental effect on that partnership as its imposition will be resented by those that have to pay it.

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?

We have largely answered this question but would only add that the question is not a reasonable one since those that are being asked to pay it are most likely to oppose the levy and those that benefit from it, namely the Council and the Police or others who incur none of the cost will agree that is desirable.

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

RESPONSE TO SOUTHAMPTON COUNCIL LATE NIGHT LEVY CONSULTATION

The Council states that it has only decided to consult on the proposals a final decision will be made later in the year "taking into account all the views that have been given". Throughout the consultation however it is clear that the Council has taken its decision already without any prior consultation with the venues affected. Paragraph 4.42 states the Council's position quite clearly:

"On balance, in the light of all these issues, the Council considers that it is desirable to raise the revenue by introducing a levy to be applied in accordance with the Act."

In the light of this statement we would like some reassurance that the consultation is a genuine exercise that will reconsider the Council's proposals in the light of the views expressed by ourselves and others. We would also appreciate the opportunity to present at any meeting at which the possible adoption of the levy may be considered.

(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?

We believe that in addition to the economic damage to the business and the reduction in employment a reduction in available venues is much more likely to lead to an increase in more problems associated with anti-social behaviour. A lack of capacity in the remaining venues will lead to over-crowding and more people of the streets and more trouble arising from people being denied access.

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?

Since we disagree most strongly with the introduction of a levy we do not have any suggestion for a different time. We would only comment that making the time as early as 12 midnight is likely to lead to the most number of venues taking the decision to close at 12 midnight. This will result in a large number of customers leaving those venues seeking others that remain open, with large numbers on the streets at that time with a potential for more trouble. Precisely the opposite effect that proposers of the levy are seeking.

RESPONSE TO SOUTHAMPTON COUNCIL LATE NIGHT LEVY CONSULTATION

- (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?**

If the Council consider after consultation that there should be a levy we would urge the Council to consider carefully the time that it covers. While a later time of around 1am would reduce the amount raised notionally by £55,000 it is likely that this figure will be much less given that the premises affected are those that are most likely to vary their hours to avoid paying the levy. The fact that more premises might remain open to 1am will aid dispersal and could actually reduce policing needs as there will be less to deal with.

Consultation Question 8 – EXEMPTIONS – OVERNIGHT ACCOMMODATION

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

The Government enabled Licensing Authorities to apply the exemption to hotels on the grounds that only bona fide residents would be exempt and that hotel bars would have to exclude members of the public at the times the levy applies to qualify for the exemption. On that basis we agree with this.

Consultation Question 9 – EXEMPTIONS – THEATRES

- Do you agree that prescribed theatres should be exempt? Please explain your views.**

We do not agree.

If the argument for the introduction of a levy is the provision of alcohol there is no reason to exempt businesses on the premise that they do not cause a problem. The same may be said of businesses within a class of such businesses. For example, a pub that operates on the fringe of the LNL economy but trades after 12 midnight may not contribute in any way to crime and

RESPONSE TO SOUTHAMPTON COUNCIL LATE NIGHT LEVY CONSULTATION

disorder but is nevertheless subject to the levy. Hotel guests are just as capable to contributing to crime and disorder either within the hotel or outside in public places.

Consultation Question 10 – EXEMPTIONS – CINEMAS

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

We do not agree on the same basis as for theatres. Cinema customers who drink at the venue will leave into the public space, where the majority of anti-social behaviour takes place and the drink consumed in the cinema is equally capable of producing the same effect on those determine to abuse alcohol.

Consultation Question 11 – EXEMPTIONS – BINGO HALLS

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

We do not agree.

For reasons see the over-arching explanation given in answer to questions 9 & 10

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.**

We do not agree.

For reasons see the over-arching explanation given in answer to questions 9 & 10.

RESPONSE TO SOUTHAMPTON COUNCIL LATE NIGHT LEVY CONSULTATION

Consultation Question 13 – EXEMPTIONS – COMMUNITY PREMISES

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

We do not agree.

For reasons see the over-arching explanation given in answer to questions 9 & 10.

Consultation Question 14 – EXEMPTIONS – COUNTRY VILLAGE PUBS

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

We do not agree.

The Government has determined that there is a case to be for their exemption. We can agree that they do not need to be included as there are none in the city but we not accept the premise that village pubs are not capable of operating in the early hours without contributing “towards the detrimental effects of the NTE”. Conversely since there are none why is the exemption not simply included?

Consultation Question 15 – EXEMPTIONS – BUSINESS IMPROVEMENT DISTRICTS

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

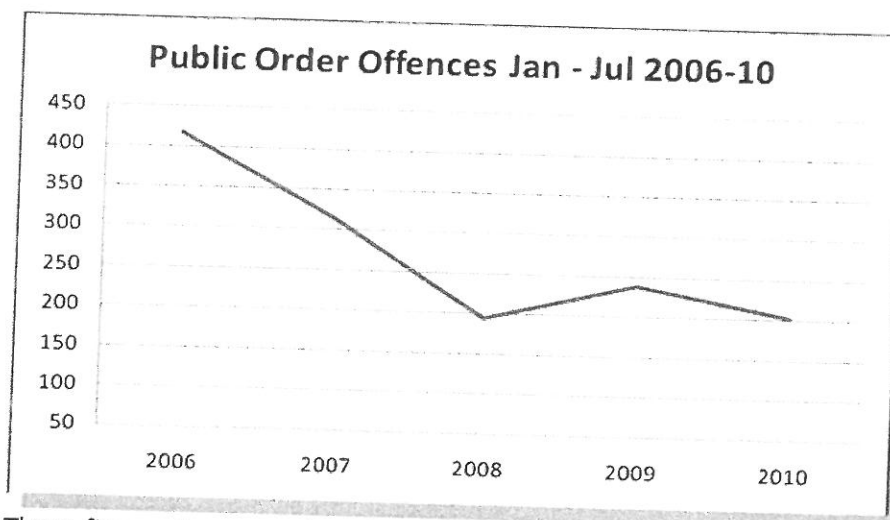
We do not agree.

BIDs are now a proven partnership initiative that improve town and city centres, reduce crime and enhance public safety. Birmingham was once of the first cities to introduce a BID which is

RESPONSE TO SOUTHAMPTON COUNCIL LATE NIGHT LEVY CONSULTATION

still in operation today and boasts a proud record in reducing crime throughout the area and throughout the day and night.

The BID in Nottingham was the first to be centred solely on the Night Time Economy. So successful it has been that it has now been extended to include all retail businesses in the city centre. The BID has contributed to an overall fall in crime since its inception. The number of public order offences recorded between the months of January and July in Nottingham city centre since 2006 when the BID began have shown a significant decrease see below.



These figures have continued to fall. "Overall there has been a 24 per cent reduction in violence over the last year and 38 per cent reduction in the last five years. We have been recognised by the Home Office for leading the way with improvements."⁸

The Nottingham BID now has a budget of £920,000, considerably larger than the sum that could be raised through a levy, through which it has initiated and funded a number of important crime prevention measures⁹ including:

- The Leisure BID supported the set-up of what is now the largest Street Pastor scheme in the UK

⁸ BID chairman of licensing David Lucas in the Nottinghamshire Post
<http://www.nottinghampost.com/City-bars-unite-late-night-police-levy/story-20461767-detail/story.html#ixzz2t1vOHez0>

⁹ <http://www.itsinnottingham.com/documents/SO - BID Delivery PPlan.pdf>

RESPONSE TO SOUTHAMPTON COUNCIL LATE NIGHT LEVY CONSULTATION

- Taxi Marshalls (Since 2008 the teams have put in over 18,000 hours of service and will continue to do so into 2013 and beyond.)
- Street Ambassadors are on duty throughout the day and evening, Monday to Saturday
- providing discounted membership to the city's business crime reduction partnership – Nottingham Businesses Against Crime (NBAC)
- Responsibility for the business crime reduction partnership in the city, including the provision of the upgraded radio scheme
- Nottingham Best Bar None awards

We are concerned that Southampton Council has launched this consultation without reference as to what has been achieved other than passing reference to the costs of such schemes as street pastors, taxi marshals and the I.C.E. bus. WE are disappointed that the Council has not looked into the possibilities for these and other good practice schemes to address the issues covered by the consultation.

Serious consideration of a BID would obviate the need for a levy and would, in our view, go much further than simply raising a small amount of money which will disappear into much larger budgets.

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.**

We agree.

The introduction of a general relaxation of opening hours over New Year's Eve has generally been recognised as a success and for many businesses is a one off occasion for those that are not open beyond midnight at any other time of the year.

A refusal to allow this exemption would result in the generation of a large number of Temporary Event Notices, resulting in extra work for the Council and police.

Consultation Question 17 – REDUCTIONS – SMALL BUSINESS RATES

RESPONSE TO SOUTHAMPTON COUNCIL LATE NIGHT LEVY CONSULTATION

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.

We do not agree.

We believe that businesses that qualify for small business rate relief should be exempt from the levy. They are in receipt of such relief because their sustainability is under threat. A levy would undermine this support and show the Council in a very bad light for the very small sum that might be involved.

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.

We do not agree.

We believe that it is a mistake to deny reductions to members of bona fide good or best practice schemes. A discount would provide an incentive to generate and/or join such schemes while to deny such reductions will discourage businesses from participation.

The Council's Statement of Licensing Policy states its aim as the "licensing authority's wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents." To that end the Council recognises the value of such schemes by its support for Best Bar None by which "the licensing authority, together with the police and other partner agencies undertake numerous initiatives including sponsoring and supporting a Best Bar None scheme in Southampton in 2006, 2007 and 2008, which is one of the largest in the country and intends to do so on a regular basis in the future."

The denial of a reduction would appear to undermine the licensing policy statement.

RESPONSE TO SOUTHAMPTON COUNCIL LATE NIGHT LEVY CONSULTATION

We would also urge the Council to consider membership of Pubwatch as reason to attract a reduction. Pubwatches work closely with the police and other agencies in order to reduce crime and disorder and anti-social behaviour. This is their primary purpose and should be encouraged.

- (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?**

Best Bar None has operated in the City and we would support its continuation. Its development is best led by business which then has ownership and is much more likely to support and develop the scheme. We fear that the introduction of a levy will work against any such scheme.

Best Bar None and National Pubwatch are working with others through the Government's Local Alcohol Action Areas (LAAAs) to tackle alcohol harms in 20 specified areas and would be equally keen to approaches from Southampton to assist.

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

We agree that any such scheme should expect a discount but it would be a mistake to think that it would provide an incentive to develop a scheme in the first place. Such schemes usually require funding and a potential discount limited to 30% of the levy would provide little incentive. Best practice scheme work best when they are undertaken voluntarily with equal commitment from all parties. A Council that introduces a levy on businesses is unlikely to be seen as a natural partner.

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.**

If there is to be a levy we agree with the 70:30 split.

- (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?**

RESPONSE TO SOUTHAMPTON COUNCIL LATE NIGHT LEVY CONSULTATION

[N.B. It is not possible to reduce the proportion to below 70%.] Please explain your views.

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.**

We would encourage the Council to use its share of the levy in positive actions that would improve relations between businesses and the Council rather than in an antagonistic approach. The management of public spaces, taxi marshalling, street pastors and the like are worthy initiatives. We note however that the cost of these already greatly exceed the £40K likely to be raised by the levy. We are concerned that the proceeds of the levy will simply be swallowed up in current budgets.

- (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.**

We would greatly favour a joint approach but our comment as above is still pertinent, particularly so in the case of the police share which they are under no obligation to allocate to the NTE. There is no commitment from the police at this time; the Council have yet to have discussions with the police on the subject. The police may have other priorities, now or in the future, which makes any commitment uncertain.

We are firmly of the opinion that any levy raised should be spent on the purpose for which it is raised, rather than treated as yet another tax that is to be imposed on business with no specific return.

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.**

We have no comment on the time-tabling other than we believe that is right to allow sufficient time for any action that is to be taken.

RESPONSE TO SOUTHAMPTON COUNCIL LATE NIGHT LEVY CONSULTATION

- (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.

PLEASE INCLUDE YOUR PERSONAL DETAILS
MY DETAILS ARE:

MY FULL NAME: John Gaunt & Partners

MY ADDRESS: Omega Court, 372-374 Cemetery Road Sheffield S11 8FT

MY TELEPHONE NUMBER: 0114 266 3400

MY EMAIL ADDRESS: johng@john-gaunt.co.uk

~~A Licence Holder~~

~~A Resident~~

A Representative of a Licence Holder: MARSTONS PLC

Marston's have two managed premises in Southampton:

- Pitcher & Piano: Southampton Ocean Village, Southampton, SO14 3JB
- Que Pasa Southampton: 104-108 Above Bar Street Southampton SO14 7DT

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

From: [Patricia Jordan](#)
To: [Licensing Policy](#)
Subject: Late night licensing levy.
Date: 20 July 2014 20:40:12

I feel that country pubs and those on non residential areas should be exempt. I feel the most nuisance is caused by students living in and around town and that clubs who offer discounts and promotion nights to students should bear the most of this levy. I am a lifelong resident of Southampton and whilst I appreciate our own can be a problem after taking drink, the most of the nuisance is caused by students, particularly in the residential areas of town.

Regards

Patricia Jordan (Ms)