
SOUTHAMPTON CITY COUNCIL
LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 11 SEPTEMBER 2014

Present: Councillors Tucker (Chair), Lloyd, Painton, Parnell, Spicer and Whitbread

Apologies: Councillors Galton, Lewzey, Pope and Vassiliou

12. **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

Councillor Parnell declared a personal interest as being a trustee of the street pastors. Councillor Lloyd declared a personal interest as being a governor for Southampton City College. Councillors Parnell and Lloyd remained in the meeting and were advised they could take part in the decision making.

13. **LATE NIGHT LEVY - CONSIDERATION OF CONSULTATION RESPONSES**

The Committee considered the report of the Head of Legal and Democratic Services detailing responses to the consultation on the proposal to introduce a late night levy to Southampton.

The Cabinet Member for Communities, Mrs Walker and Mrs Barter (local residents), Mr Madden (Baizz Club) Mr Warne (TLT representing Greene King) and Chief Inspector Justin Roberts (Hampshire Constabulary) were present and with the consent of the Chair addressed the meeting.

RESOLVED

(i) that the introduction of a Late Night Levy in Southampton be recommended to Council to commence on 1 April 2015; and

(ii) that key provisions of the Late Night Levy be recommended as follows: that pursuant to section 132(1) of the 2011 Act:

- a. the date on which the late night levy requirement is first to apply is 1st April 2015
- b. for the first levy year and, subject to section 133 of the 2011 Act, each subsequent levy year:-
 - i. the late night supply period shall begin at one minute past midnight and end at 6 am;
 - ii. that the following permitted exemption categories as defined in regulation 4 of the Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012 are to apply:-
 1. regulation 4(a) – hotels etc. supplying alcohol for on-consumption by resident patrons;
 2. regulation 4(b) – theatres supplying alcohol for on-consumption to ticket holders, performers, guests at private events;
 3. regulation 4(c) – cinemas supplying alcohol for on-consumption to ticket holders, guests at private events;

4. regulation 4(d) – bingo halls where the playing of non-remote bingo is the primary activity;
 5. regulation 4(e) – registered community amateur sports clubs;
 6. regulation 4(f) – community premises like church halls and village halls, etc. that are subject to the alternative licence condition; and
 7. regulation 4 (i) – premises authorised to supply alcohol for on consumption only between midnight and 6 am on 1 January.
- iii. that the following permitted exemption category as defined in regulation 4 of the Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012 is not to apply:-
1. regulation 4(g) – single country village pubs in designated rural settlements which receive rate relief;
 2. regulation 4(h) – premises liable for the Business Improvement District levy.
- iv. that the following permitted reduction category as defined in regulation 5 of the Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012 is not to apply:-
1. regulation 5(1)(a) – members of business-led best practice schemes
Save that if such a scheme is subsequently approved and adopted by the Council in accordance with paragraph 6 below that the Head of Legal and Democratic Services be authorised to administer the scheme and take all decisions in relation to it, including reductions in the levy payable by approved premises
 2. regulation 5(1)(b) – certain premises authorised to supply alcohol for on-consumption which receive small business rate relief.
- v. the proportion of the net amount of levy payments that is to be paid to the relevant local policing body under section 131 of the 2011 Act is 70 per cent.

- (iii) To authorise that the Head of Legal and Democratic Services has delegated powers to do all things necessary to implement these decisions, including:-
- c. Power to publish notice of the decisions in accordance with regulation 9(1)(b) of the Late Night Levy (Application and Administration) Regulations 2012;
 - d. Power to determine whether the holders of any relevant late night authorisations fall within any permitted exemption or reduction categories and in particular whether the holders of any relevant late night authorisations who are members of any subsequently approved business-led best practice scheme fall within the permitted reduction category
 - e. Subject always to the statutory role of Licensing Committee and its Sub-Committees, to make arrangements for free applications to vary authorisations before the beginning of the first levy year and determine such applications in accordance with regulations 9(1)(c) and 9(5) of the Late Night Levy (Application and Administration) Regulations 2012;

- f. Power to determine the aggregate amount of expenses of the Council that are permitted deductions under section 130(1)(b) of the 2011 Act;
 - g. Power to publish annual notices under section 130(5) of the 2011 Act relating to anticipated expenses and the net amount of the levy payments;
 - h. Power to make adjustments to payments in accordance with paragraph 7 of the Late Night Levy (Application and Administration) Regulations 2012;
 - i. Power to determine from time to time when and for what purposes the Council will apply the non-specified proportion of the net amount of the levy payments;
 - j. Authorisation to enter into an agreement with the Police and Crime Commissioner (PCC) and the Chief Constable regarding the use of the net amount of levy payments as a single programme and to establish a Late Night Levy Board (to include operators) to facilitate a single programme; and
 - k. Authorisation to create and implement a business-led best practice scheme that will satisfy the criteria contained in regulation 5(1)(a) of the Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012 after consultation with the Police and Crime Commissioner, the Chief Constable, operators, and the Late Night Levy Board (if established).
- (iv) To note that the Head of Legal and Democratic Services shall review the operation and effect of the levy in 2017 (or earlier, if considered necessary) and report the outcome of the review to Licensing Committee.