

## PFCC Decision Report

**Report reference number:** 022-24

**Classification:** Not protectively marked

**Title of report:** Chelmsford Late Night Levy 2024

**Area of county / stakeholders affected:** Chelmsford City

**Report by:** Greg Myddelton (Strategic Head of Partnerships and Delivery)

**Date of report:** 31 January 2024

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### Executive Summary

- 1.1. This decision report seeks PFCC approval for the police portion of late-night levy funding generated by Chelmsford City Council to continue to be re-invested into the Community Safety Partnership (CSP) to support community safety activity in the local night time economy.

### Recommendations

- 2.1 That the PFCC endorses the decision to re-invest revenue from Chelmsford's late-night levy back into the local CSP.

### Background to the Proposal

- 3.1. Licensing authorities are able to impose a late-night levy (LNL) on persons who are licensed to sell alcohol late at night in the authority's area as a means of raising a contribution towards the cost of policing the late-night economy, including community safety. Chelmsford is the only area in Essex to have adopted a late-night levy, and one of only a small number of authorities nationally.
- 3.2. In July 2023, following a consultation on the LNL, the Government issued amended guidance under the Police Reform and Social Responsibility Act 2011 which introduced the following changes:

- Allowed licensing authorities the power to apply the levy to late night refreshment premises to assist with the cost of policing the night-time economy.
- Allowed local authorities to target the levy in smaller geographical areas where the night-time economy places demand on policing, rather than having to implement it across the entirety of their area.
- Permitted Police and Crime Commissioners the right formally to request that a licensing authority consult on implementing a levy.
- Required licensing authorities to publish information about how the revenue raised from the levy is spent.

3.3. Chelmsford City Council originally introduced a late-night levy in July 2014.

3.4. 70% of the funds raised by the levy are paid to the local policing body. When Chelmsford's levy was introduced, a local arrangement with Essex Police agreed that all levy funds would be returned to the Community Safety Partnership for investment in local community safety initiatives. The legislation recommends that "the P[F]CC should consider allocating the funds raised from the levy back to local commanders to allow the revenue to be spent on tackling alcohol-related crime and disorder in the area in which the levy was raised."

3.5. The levy amount is set by Government and is based on the rateable value of the licensed premises. In Chelmsford, the levy has raised approximately £30,000 per annum, which Chelmsford CSP has been able to reinvest into community safety initiatives in the night time economy, including the SOS bus, taxi marshals, and CCTV provision.

### **Proposal and Associated Benefits**

4.1. In line with the new provisions outlined by central government, Chelmsford City Council is proposing to consult on a revised late-night levy which would include late night refreshment premises (premises selling hot food after 11pm) within the LNL. The City Council notes that some of these premises, particularly city centre takeaways, can be a trigger point for anti-social behaviour and violence which require a police response, therefore it is appropriate that they be included in a LNL. It is estimated that this change could raise an additional £7,000 per year.

### **Options Analysis**

5.1. The PFCC could decide to retain the funding raised by the levy, but in line with the recommendations in the legislation, and in keeping with existing arrangements, this paper recommends allocating this funding back to the local CSP for re-investment in the local night-time economy – an arrangement that has worked effectively for the last 10 years.

## **Consultation and Engagement**

- 6.1 Within the legislation, a licensing authority “should discuss the need for a levy with the relevant P[F]CC and the relevant chief officer of police”. Chelmsford City Council has shared its proposed amendment to the levy with the PFCC, which was discussed at the PFCC’s Senior Management Team meeting on 29<sup>th</sup> January 2024.
- 6.2 The proposed amendment to the existing late-night levy is being presented to Chelmsford City Council’s Regulatory Committee on 29<sup>th</sup> February 2024 and would be subject to a local consultation exercise.

## **Strategic Links**

- 7.1 This funding supports delivery of the CSP’s plan, as well as delivery of the Police and Crime Plan, including by reducing drug driven violence, protecting vulnerable people and breaking the cycle of domestic abuse, investing in crime prevention, and reducing violence against women and girls.

## **Police operational implications**

- 8.1 Essex Police is a statutory member of the Community Safety Partnership. The intention of the Levy is to generate additional revenue which is invested in preventative measures to reduce the need for police attendance.

## **Financial implications**

- 9.1 The PFCC would endorse the continued allocation of the policing elements of late-night levy revenue to the Chelmsford CSP. This is currently estimated at around £30,000 per year, with the potential for an estimated additional £7,000 per year if the levy is expanded to include late night food outlets.

## **Legal implications**

- 10.1 This proposal complies with the government’s amended guidance on late night levies under the Police Reform and Social Responsibility Act 2011, published in July 2023.

## **Staffing implications**

- 11.1 No staffing implications have been identified.

## **Equality, Diversity and Inclusion implications**

- 12.1 The late-night levy applies to specific businesses within the licensing authority’s area. Exemptions may be requested and applied in line with legislation.
- 12.2 The City Council is required to undertake a consultation exercise in advance of implementing the revised levy. The legislation states that “The consultation

is intended to be targeted at those affected by the levy, particularly businesses, the police, residents and other interested parties. The consultation process, including the period, is expected to be proportionate and targeted, so that the type and scale of engagement is relative to the potential impacts of the proposal.”

### **Risks and Mitigations**

- 13.1 There is a risk that the revised levy does not generate the expected levels of revenue. This is not considered to be a significant risk as no expenditure is made in advance of revenue being received.

### **Governance Boards**

- 14.1 This proposal was discussed at the PFCC’s Senior Management Team meeting on 29<sup>th</sup> January 2024.
- 14.2 The implementation of the levy is managed by Chelmsford City Council as the local licensing authority.

### **Links to Future Plans**

- 15.1 This levy supports the delivery of Chelmsford CSP’s strategy and delivery plan.

### **Background Papers and Appendices**

Appendix 1 – Amended Guidance on the Late-Night Levy  
<https://www.gov.uk/government/publications/late-night-levy-guidance/amended-guidance-on-the-late-night-levy>

**Report Approval**

The report will be signed off by the PFCC's Chief Executive and Chief Finance Officer prior to review and sign off by the PFCC / DPFCC.

Chief Executive / M.O.

Sign:

Print:

P. Brent-Isherwood

Date:

2 February 2024

Chief Finance Officer

Sign:

Print:

Janet Perry

Date:

6 February 2024

**Publication**

Is the report for publication?

YES

NO

If 'NO', please give reasons for non-publication *(Where relevant, cite the security classification of the document(s). State 'None' if applicable)*

None

If the report is not for publication, the Chief Executive will decide if and how the public can be informed of the decision.

**Redaction**

If the report is for publication, is redaction required:

1. Of Decision Sheet?

YES

2. Of Appendix?

YES

NO

NO

If 'YES', please provide details of required redaction:

N/A

Date redaction carried out: .....

**Chief Finance Officer / Chief Executive Sign Off – for Redactions only**

If redaction is required, the Treasurer or Chief Executive is to sign off that redaction has been completed.

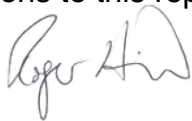
Sign: .....

Print: .....

**Chief Executive / Chief Finance Officer**

**Decision and Final Sign Off**

I agree the recommendations to this report:

Sign: 

Print: Roger Hirst

**PFCC/Deputy PFCC**

**Date signed:** 21/02/2024

I do not agree the recommendations to this report because:

.....  
.....  
.....

Sign:

Print:

**PFCC/Deputy PFCC**

**Date signed:**