

## SCHEDULES

### SCHEDULE 18

Section 142

#### LATE NIGHT LEVY REQUIREMENTS

- 1 Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (late night levy) is amended as follows.
- 2 (1) Section 126 (“relevant late night authorisation” and related definitions) is amended as follows.
  - (2) In subsection (2)—
    - (a) for ““Relevant late night authorisation”” substitute ““Relevant late night alcohol authorisation””;
    - (b) after “licensing authority” insert “, a late night levy requirement”;
    - (c) at the end of paragraph (b) insert “(whether or not it also authorises the provision of late night refreshment at a time or times during such a period)”.
  - (3) After subsection (2) insert—

“(2A) Relevant late night refreshment authorisation”, in relation to a licensing authority, a late night levy requirement and a levy year, means a premises licence which—

    - (a) is granted by the authority,
    - (b) authorises the provision of late night refreshment at a time or times during the late night supply period on one or more days in the related payment year, and
    - (c) does not also authorise the supply of alcohol at a time or times during any such period.”
  - (4) After subsection (3) insert—

“(3A) Where a licensing authority decides under section 125(2) to apply a late night levy requirement in respect of both relevant late night alcohol authorisations and relevant late night refreshment authorisations, the licensing authority may determine under section 132(1)—

    - (a) a single late night levy period that is to apply in respect of both kinds of authorisations, or
    - (b) two late night levy periods, one of which is to apply in respect of relevant late night alcohol authorisations and the other of which is to apply in respect of relevant late night refreshment authorisations.”
  - (5) In subsection (5), for “The late night supply period” substitute “A late night supply period”.
  - (6) In subsection (8)—
    - (a) for “the late night levy requirement” substitute “a late night levy requirement”;

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- (b) omit “in its area”.
- 3 (1) Section 127 (liability to pay late night levy) is amended as follows.
- (2) In subsection (1)—
- (a) for “the late night levy requirement” substitute “a late night levy requirement”;
  - (b) after “the area” insert “or part of the area”;
  - (c) for “a relevant late night authorisation” substitute “a late night authorisation to which the requirement relates”.
- (3) In subsection (2), for “a relevant late night authorisation” substitute “a late night authorisation to which the requirement relates”.
- (4) After subsection (2) insert—
- “(2A) In addition, if the requirement relates to a late night authorisation that is a relevant late night refreshment authorisation, the holder of the authorisation is not liable to pay the late night levy for a levy year if only hot drinks are supplied (or held out for supply) in reliance on the authorisation during the levy year.”
- (5) In subsection (3), for “in its area” substitute “in relation to the late night levy requirement”.
- 4 (1) Section 128 (amount of late night levy) is amended as follows.
- (2) In subsection (1) after “For” insert “any levy requirement and”.
- (3) In subsection (2), for “a relevant late night authorisation” substitute “a late night authorisation to which a late night levy requirement relates”.
- (4) In subsection (3)—
- (a) after “in relation to” insert “a late night levy requirement and”;
  - (b) for “in its area” substitute “in relation to the late night levy requirement”.
- (5) In subsection (4)—
- (a) for “the late night levy” substitute “a late night levy”;
  - (b) after “the same” insert “, in respect of all late night levy requirements”;
  - (c) for “the levy” substitute “a levy”;
  - (d) omit “for the levy year”.
- 5 (1) Section 129 (payment and administration of the levy) is amended as follows.
- (2) In subsection (1), in the closing words, for “the late night levy” substitute “a late night levy”.
- (3) In subsection (2)—
- (a) for “the levy” substitute “a levy”;
  - (b) for “relevant late night authorisations” substitute “a late night authorisation to which a late night levy requirement relates”.
- (4) In subsection (4)—
- (a) in paragraph (a), for “a relevant late night authorisation” substitute “a late night authorisation to which a late night levy requirement relates”;

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- (b) in paragraph (b), for “a relevant late night authorisation” substitute “a late night authorisation to which a late night levy requirement relates”;
  - (c) in paragraph (c), for “the relevant late night authorisation” substitute “a relevant late night alcohol authorisation to which a late night levy requirement relates”;
  - (d) in the closing words, for “the levy year” substitute “the levy year in question”.
- (5) In subsection (5), for “the late night levy” substitute “a late night levy”.
- (6) In subsection (6), in the closing words, for “the late night levy” (in both places where it occurs) substitute “a late night levy”.
- 6 (1) Section 130 (net amount of levy payments) is amended as follows.
  - (2) In subsection (1), after “In this Chapter” insert “, in relation to a late night levy requirement,”.
  - (3) In subsection (3), for “the late night levy requirement” substitute “a late night levy requirement”.
  - (4) In subsection (5), in the opening words, at the beginning insert “In relation to a late night levy requirement,”.
- 7 (1) Section 131 (application of net amount of levy payments) is amended as follows.
  - (2) In subsection (1), at the beginning insert “In relation to a late night levy requirement,”.
  - (3) After subsection (4) insert—
    - “(4A) The licensing authority must publish information as to how it applies the remainder of the net amount mentioned in subsection (2)(b).
    - (4B) The information must be published at least once in each calendar year during which any part of the remainder is applied.
    - (4C) It is for the licensing authority to determine the manner in which the information is published.”
  - (4) In subsection (6)(b), for “in respect of the levy” substitute “in respect of a levy”.
- 8 (1) Section 132 (introduction of late night levy requirement) is amended as follows.
  - (2) In subsection (1)—
    - (a) in the opening words, for “the late night levy requirement” substitute “a late night levy requirement”;
    - (b) in those words, omit “in its area”;
    - (c) in paragraph (b)—
      - (i) in sub-paragraph (i), after “period” insert “or periods (as to which see section 126(3A))”;
      - (ii) in sub-paragraph (ii), omit “in its area”;
      - (iii) in sub-paragraph (iii), omit “in its area”.
- 9 (1) Section 133 (amendment of late night levy requirement) is amended as follows.
  - (2) In subsection (1)—

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- (a) in the opening words, for the words from the beginning to “section 125,” substitute “Where, in consequence of a decision by a licensing authority under section 125, a late night levy requirement applies,”
  - (b) in paragraph (a), omit “in the area”;
  - (c) in paragraph (c), for “in the area” substitute “in relation to the late night levy requirement”.
- (3) After subsection (1) insert—
- “(1A) Where the late night levy requirement is in respect of both relevant late night alcohol authorisations and relevant late night refreshment authorisations, the power conferred by subsection (1)(b) includes—
- (a) where a single late night levy period applies, power to decide that two late night levy periods are to apply instead;
  - (b) where two late night levy periods apply, power to decide that a single late night levy period is to apply instead.”
- (4) In subsection (4)—
- (a) in paragraph (b), omit “in the area of a licensing authority”;
  - (b) in that paragraph, after “relevant decision” insert “by a licensing authority”;
  - (c) in the closing words, omit “in its area”.
- 10 (1) Section 134 (introduction or variation of late night levy requirement: procedure) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), for “the late night levy requirement” substitute “a late night levy requirement”;
  - (b) in that paragraph, omit “in the area of the licensing authority”;
  - (c) in paragraph (b), for “the late night levy requirement” substitute “a late night levy requirement”;
  - (d) in that paragraph omit “in the area of the licensing authority”.
- (3) In subsection (2)—
- (a) in paragraph (a)(iii), for “relevant late night authorisations” substitute “late night authorisations to which the levy requirement in question relates or would relate”;
  - (b) in paragraph (c)(i), for “so as to cease to be a relevant late night authorisation before the beginning of the first levy year” substitute “so that it is not a late night authorisation to which the levy requirement relates at the beginning of the first levy year”.
- (4) In subsection (3)—
- (a) for “the late night levy requirement” substitute “a late night levy requirement”;
  - (b) omit “to the area of a licensing authority”.
- (5) In subsection (4)—
- (a) for “the late night levy requirement” substitute “a late night levy requirement”;
  - (b) omit “in its area”.
- (6) Omit subsection (5).

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- 11 (1) Section 135 (permitted exemption and reduction categories) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), for “relevant late night authorisations” substitute “relevant late night alcohol authorisations or relevant late night refreshment authorisations”;
  - (b) in that paragraph, for “the requirement to pay the late night levy is not to apply” substitute “no requirement to pay a late night levy is to apply”;
  - (c) in paragraph (b), for “relevant late night authorisations” substitute “relevant late night alcohol authorisations or relevant late night refreshment authorisations”;
  - (d) in that paragraph, for “the levy” substitute “a levy”.
- (3) In subsection (2), omit “in its area”.
- (4) In subsection (4)—
- (a) in paragraph (a), for “the levy” substitute “a levy”;
  - (b) in paragraph (b), for “the levy” substitute “a levy”;
  - (c) in the closing words—
    - (i) for “the late night levy” substitute “a late night levy”;
    - (ii) after “the same” insert “, in respect of all late night levy requirements,”;
    - (iii) for “relevant late night authorisations” substitute “relevant late night alcohol authorisations or relevant late night refreshment authorisations”;
    - (iv) omit “for a levy year”.
- 12 After section 136 insert—

**“136A Late night levy: requests by relevant local policing bodies**

- (1) The relevant local policing body in relation to a licensing authority may request the licensing authority to make a proposal for a decision under section 125(2) that a late night levy requirement of a kind described in the request is to apply.
- (2) In deciding whether to make a request, the relevant local policing body must consider the matters mentioned in section 125(3).
- (3) A request must be accompanied by any evidence the relevant local policing body has in support of its request.
- (4) In deciding how to respond to the request, the licensing authority must consider the matters mentioned in section 125(3).
- (5) The licensing authority must publish—
  - (a) the request, including the evidence accompanying it, and
  - (b) its response to the request.
- (6) The response must include reasons, including an explanation of the outcome of the authority’s consideration of the matters mentioned in section 125(3).
- (7) It is for the licensing authority to determine the manner in which it publishes the request and its response under subsection (4).”

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- 13 (1) Section 137 (interpretation) is amended as follows.
- (2) For “the late night levy requirement” substitute “a late night levy requirement”.
- (3) At the appropriate place insert—  
“late night refreshment” has the same meaning as in the Licensing Act 2003 (see Schedule 2 to that Act);”.
- (4) In the definition of “levy year”—  
(a) for “the late night levy requirement” substitute “a late night levy requirement”;  
(b) omit “in the area of the authority”.
- (5) In the definition of “payment year”, for “a relevant late night authorisation” substitute “a late night authorisation to which a late night levy requirement relates”.