



COUNCIL

All Members of the Council are
HEREBY SUMMONED
to attend a meeting of the Council to
be held on

Wednesday, 26th July, 2017

at 7.00 pm

in the Council Chamber, Hackney Town Hall,
Mare Street, London E8 1EA

Tim Shields
Chief Executive

Contact: Emma Perry
Governance Services
Tel: 020 8356 3338
governance@hackney.gov.uk

The press and public are welcome to attend this meeting

MEETING INFORMATION

Future Meetings

25 October 17
24 January 18
21 February 18
23 May 18 (AGM)

Contact for Information

Emma Perry, Governance Services
Tel: 020 8356 3338
governance@hackney.gov.uk

Location

Hackney Town Hall is on Mare Street, bordered by Wilton Way and Reading Lane. For directions please go to <http://www.hackney.gov.uk/contact-us>

Facilities

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in the Assembly Halls, rooms 101, 102 & 103 and the Council Chamber. Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

AGENDA ITEM NUMBER	AGENDA ITEM	INDICATIVE TIMINGS:
1 – 4	Preliminaries	5 minutes
5	Questions from Members of the Public	5 minutes
6	Questions from Members of the Council	30 minutes
7	Elected Mayor's Statement	20 minutes
8	Late Night Levy	15 minutes
9	Members' Allowances Scheme 2017/18	10 minutes
10	Overview & Scrutiny Annual Report	10 minutes
11	Standards Committee Annual Report	10 minutes
12	Appointment to Independent Person	5 minutes
13	Motion	15 minutes
14	Appointments to Committees	5 minutes

Council Agenda

1 Apologies for Absence

2 Speaker's Announcements

3 Declarations of Interest

This is the time for Members to declare any disclosable pecuniary or other non-pecuniary interests they may have in any matter being considered at this meeting having regard to the guidance attached to the agenda.

4 Minutes of the previous meeting

(Pages 1 -
12)

5 Questions from Members of the Public

5.1 Mr Christopher Sills to the Mayor

Would you agree with me that the switchboard service at Hackney town Hall has got progressively worse in the last few years and that callers are frequently put through to the wrong department thus wasting everybody's time and what steps are you taking to improve the service.

6 Questions from Members of the Council

6.1 Councillor Susan Fajana-Thomas to the Lead Member for Housing

Can the Lead Member for Housing reassure residents living in social housing blocks, that tests on cladding have been carried out and all fire risk assessments are up to date now we know that cladding appears to have allowed the fire to spread in the Grenfell Tower tragedy.

6.2 Councillor Jessica Webb to the Lead Member for Housing

Five years ago, four Hackney Wick tower blocks, Heathcote, Hensley, Vanner and Ravenscroft were clad. Given the tragedy of Grenfell Tower, residents of these blocks have asked councillors for reassurance about their safety. Can the Cabinet member tell us what has been done to check the safety of these blocks?

6.3 Councillor Clare Potter to the Lead Member for Community Safety and Enforcement

Wireless in Finsbury Park has taken place for the last 4 years. This year, despite extensive engagement in advance of the event to try to mitigate negative consequences, the level of ASB was extremely concerning. How can we ensure this does not happen again and residents are able to feel secure.

6.4 Councillor Brian Bell to the Lead Member for Community Safety and Enforcement

Following the recent terrorist attacks in Westminster, Manchester, London Bridge and Finsbury Park, what can the Council do to help keep Hackney safe and to work with the community to ensure it remains the inclusive, welcoming place that it is.

6.5 Question from Councillor Abraham Jacobson to the Lead Member for Community Safety and Enforcement

What is being done to curb the violence and knife crime following rave parties occurring on the Stamford Hill and other Estates?

6.6 Question from Councillor Ian Sharer to the Lead Member for Housing

What action is Hackney Council doing to retrofit sprinkler systems in all the high rise buildings in Hackney as per the Coroner's report in the Lakanal House fire tragedy?

6.7 Question from Councillor Emma Plouviez to the Cabinet Member for Neighbourhood, Transport and Parks

The Council recently launched its first School streets scheme at St Johns the Baptist Primary School. This is where the road outside a school is closed to traffic at school opening and closing times; helping to achieve a safer, more pleasant environment whilst maintaining access for residents, businesses, pedestrians and cyclists. I welcome this initiative and would like to know what plans are in place to extend this scheme to other schools like the London Fields school in my ward which is one of the primary schools in Hackney that suffers from the highest levels of air pollution

6.8 From Councillor Harvey Odze to the Mayor

What are the current and projected status of occupancy on the Woodberry Down Estate

6.9 From Councillor Harvey Odze to the Mayor

In the light of the Grenfell Tower disaster it is quite obvious that speed of access for the emergency services to the site of a fire is of paramount importance so why does the Mayor of Hackney not persuade the relevant Hackney Council Officers to cancel the counterproductive, pollution creating plans to narrow the A503, Seven Sisters Road, since these plans, besides being against the wishes of the majority of residents in the area, would undoubtedly cause extra traffic congestion and delay access for the emergency services to the site of any major incident.

7	Elected Mayor's Statement (standing item)	
8	Report from Licensing Committee: Late Night Levy	(Pages 13 - 66)
9	Report of the Chief Executive: Members' Allowances Scheme 2017/18	(Pages 67 - 84)
10	Report of the Chief Executive: Overview and Scrutiny Annual Report	(Pages 85 - 122)
11	Report of Standards Committee: Annual Report 2016/17	(Pages 123 - 132)
12	Report of Standards Committee: Re-appointment of Independent Person to Standards Committee	(Pages 133 - 136)
13	Motion	
a	<u>UK 100 Clean Energy</u> UK100 Agreement Motion	

- This council resolves to support the UK100 pledge to shift towards 100% clean energy across the London Borough of Hackney's full range of functions, by 2050.

We, Hackney Council, acknowledge our responsibility to help secure an environmentally sustainable future, both for our residents and all people around the world faced with the challenges brought about by human-influenced climate change.

At the 2015 United Nations Climate Change Conference in Paris, leaders seized the opportunity to commit to a new energy future. Although the groundbreaking Paris Agreement does not place binding commitments upon local government institutions, we in Hackney intend to match its goals. The world is coming together to create a new energy system - we intend to be part of that change by creating and delivering our own local commitments and solutions.

We will decouple from fossil fuels not merely because it is 'good for the planet' in an abstract sense, but because it is good for the people we serve.

The people of Hackney deserve warm homes, secure and affordable energy, clean air and drinking water, and to live in a borough that takes its environmental obligations seriously.

Shifting Hackney's consumption of energy towards renewables will help keep the lights on, drive renewables deployment and lower their unit costs, protect consumers from high and unstable energy prices, and contribute to geopolitical stability by reducing our dependence on imported fuel.

By addressing the scientific reality of human-influenced climate change, we will also be able to rebuild our own industrial and manufacturing base; creating well-paid, high-skilled employment, both locally and across the country. The UK100 Agreement is a pledge for jobs and economic prosperity.

The challenges we face require ambition and imagination if they are to be overcome, so that our children can enjoy a safe and secure future. We will take action that tackles climate change but also builds communities, which are the best places for our children to grow up.

We are facing an existential crisis for which there is no comparison in human history, and it is to us that this challenge has fallen. As a society, we are well-placed to contribute to the solutions we require, because of our industrial past and our history of willingness to lead on finding solutions to the new challenges the world faces.

We have the ambition to achieve 100% clean energy across the London Borough of Hackney's full range of functions by 2050, and to work in partnership with our residents and business community to deliver against the commitments made nationally and internationally at the 2015 Paris Summit.

We hope other towns and cities across the globe will join us to demonstrate that this transition will happen through acts of leadership by the many not the few, and that a transition to a clean energy future is both viable and already beginning to happen in many towns and cities today. We join with other communities across the UK who have made the same commitment to delivering a better future for everyone.

We resolve to turn this commitment into reality by developing a route map to a more sustainable future that also builds the kind of community of which we can be proud.

Proposer Cllr Sophie Cameron
Secunder Cllr Robert Chapman

14 Appointments to Committees and Commissions (standing item)

(Pages
137 - 140)

RIGHTS OF PRESS AND PUBLIC TO REPORT ON MEETINGS

Where a meeting of the Council and its committees are open to the public, the press and public are welcome to report on meetings of the Council and its committees, through any audio, visual or written methods and may use digital and social media providing they do not disturb the conduct of the meeting and providing that the person reporting or providing the commentary is present at the meeting.

Those wishing to film, photograph or audio record a meeting are asked to notify the Council's Monitoring Officer by noon on the day of the meeting, if possible, or any time prior to the start of the meeting or notify the Chair at the start of the meeting.

The Monitoring Officer, or the Chair of the meeting, may designate a set area from which all recording must take place at a meeting.

The Council will endeavour to provide reasonable space and seating to view, hear and record the meeting. If those intending to record a meeting require any other reasonable facilities, notice should be given to the Monitoring Officer in advance of the meeting and will only be provided if practicable to do so.

The Chair shall have discretion to regulate the behaviour of all those present recording a meeting in the interests of the efficient conduct of the meeting. Anyone acting in a disruptive manner may be required by the Chair to cease recording or may be excluded from the meeting. Disruptive behaviour may include: moving from any designated recording area; causing excessive noise; intrusive lighting; interrupting the meeting; or filming members of the public who have asked not to be filmed.

All those visually recording a meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. The Chair of the meeting will ask any members of the public present if they have objections to being visually recorded. Those visually recording a meeting are asked to respect the wishes of those who do not wish to be filmed or photographed. Failure by someone recording a meeting to respect the wishes of those who do not wish to be filmed and photographed may result in the Chair instructing them to cease recording or in their exclusion from the meeting.

If a meeting passes a motion to exclude the press and public then in order to consider confidential or exempt information, all recording must cease and all recording equipment must be removed from the meeting room. The press and public are not permitted to use any means which might enable them to see or hear the proceedings whilst they are excluded from a meeting and confidential or exempt information is under consideration.

Providing oral commentary during a meeting is not permitted.

ADVICE TO MEMBERS ON DECLARING INTERESTS

Hackney Council's Code of Conduct applies to all Members of the Council, the Mayor and co-opted Members.

This note is intended to provide general guidance for Members on declaring interests. However, you may need to obtain specific advice on whether you have an interest in a particular matter. If you need advice, you can contact:

- The Interim Director of Legal;
- The Legal Adviser to the committee; or
- Governance Services.

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

1. Do you have a disclosable pecuniary interest in any matter on the agenda or which is being considered at the meeting?

You will have a disclosable pecuniary interest in a matter if it:

- relates to an interest that you have already registered in Parts A and C of the Register of Pecuniary Interests of you or your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner;
- relates to an interest that should be registered in Parts A and C of the Register of Pecuniary Interests of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner, but you have not yet done so; or
- affects your well-being or financial position or that of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner.

2. If you have a disclosable pecuniary interest in an item on the agenda you must:

- Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you (subject to the rules regarding sensitive interests).
- You must leave the room when the item in which you have an interest is being discussed. You cannot stay in the meeting room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision.
- If you have, however, obtained dispensation from the Monitoring Officer or Standards Committee you may remain in the room and participate in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a pecuniary interest.

3. Do you have any other non-pecuniary interest on any matter on the agenda which is being considered at the meeting?

You will have 'other non-pecuniary interest' in a matter if:

- It relates to an external body that you have been appointed to as a Member or in another capacity; or
- It relates to an organisation or individual which you have actively engaged in

supporting.

4. If you have other non-pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.
- ii. You may remain in the room, participate in any discussion or vote provided that contractual, financial, consent, permission or licence matters are not under consideration relating to the item in which you have an interest.
- iii. If you have an interest in a contractual, financial, consent, permission or licence matter under consideration, you must leave the room unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision. Where members of the public are allowed to make representations, or to give evidence or answer questions about the matter you may, with the permission of the meeting, speak on a matter then leave the room. Once you have finished making your representation, you must leave the room whilst the matter is being discussed.
- iv. If you have been granted dispensation, in accordance with the Council's dispensation procedure you may remain in the room. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a non pecuniary interest.

Further Information

Advice can be obtained from Suki Binjal, Interim Director of Legal, on 020 8356 6234 or email suki.binjal@hackney.gov.uk



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London Borough of Hackney
Council AGM
Municipal Year 2017/18
Date of Meeting Wednesday, 24th May, 2017

Minutes of the proceedings of
Council held at Hackney Town
Hall, Mare Street,
London E8 1EA

**Councillors in
Attendance:**

Mayor Philip Glanville, Cllr Kam Adams, Cllr Soraya Adejare, Cllr Dawood Akhoon, Cllr Brian Bell, Deputy Mayor Anntoinette Bramble, Cllr Will Brett, Cllr Laura Bunt, Cllr Jon Burke, Cllr Sophie Cameron, Cllr Robert Chapman, Cllr Mete Coban, Cllr Sophie Conway, Cllr Feryal Demirci, Cllr Michael Desmond, Cllr Tom Ebbutt, Cllr Sade Etti, Cllr Susan Fajana-Thomas, Cllr Margaret Gordon, Cllr Michelle Gregory, Cllr Katie Hanson, Cllr Ben Hayhurst, Cllr Ned Hercock, Cllr Abraham Jacobson, Cllr Christopher Kennedy, Cllr Michael Levy, Cllr Richard Lufkin, Cllr Yvonne Maxwell, Cllr Jonathan McShane, Cllr Sem Moema, Cllr Patrick Moule, Cllr Sally Mulready, Cllr Ann Munn, Cllr Guy Nicholson, Cllr Harvey Odze, Cllr Deniz Oguzkanli, Cllr M Can Ozsen, Cllr Benzion Papier, Cllr Sharon Patrick, Cllr James Peters, Cllr Emma Plouviez, Cllr Clare Potter, Cllr Tom Rahilly, Cllr Ian Rathbone, Cllr Rebecca Rennison, Cllr Anna-Joy Rickard, Cllr Rosemary Sales, Cllr Caroline Selman, Cllr Ian Sharer, Cllr Nick Sharman, Cllr Simche Steinberger, Cllr Vincent Stops, Cllr Geoff Taylor, Cllr Jessica Webb and Cllr Carole Williams

Apologies:

Cllr Barry Buitekant, Cllr Clayeon McKenzie and Cllr Peter Snell

Officer Contact:

Emma Perry, Governance Services

Councillor Rosemary Sales [Speaker] in the Chair

1 The Speaker's Welcome

- 1.1 The Speaker welcomed all Members and guests to the meeting.
- 1.2 A minute silence was held in remembrance of those who lost their lives in the Manchester bombing on Monday evening.

2 Presentation of the I Love Hackney Mayor's Civic Awards

- 2.1 The Speaker stated that this was the second anniversary of the I Love Hackney Mayor's Civic Awards.

Wednesday, 24th May, 2017

- 2.2 Mayor Glanville stated that these awards helped celebrate Hackney's civic heroes, and not only give a much deserved recognition for their efforts, but would hopefully inspire more people to get involved and make a lasting difference to the Hackney community.
- 2.3 Mayor Glanville thanked his fellow judges and presented a Civic Award to each of the following recipients and outlined their achievements:-

1. Janette Collins

Janette Collins founded youth project The Crib, with her friend Karlene Fontilio in 1999 and had been running it ever since, reaching young people, between the ages of 10 and 21, across postcodes and backgrounds. The youth project helped young people find work, stay in education and promoted awareness of gun and knife violence.

2. Bobby Kasanga

After being involved with gangs and spending nearly eight years in prison, Bobby Kasanga turned his life and his mind around when he formed Hackney Wick FC, including residents at all levels of the club, from players, to co-operative club owners. He makes sure every club player volunteered in the community for at least two hours a week, and used the club to support a diverse array of activities to support social change, from playing Stonewall FC during LGBT+ history month, to using ethically sourced footballs and half-time oranges for Fairtrade Fortnight. Founded in 2015, Hackney Wick FC had already managed to engage with over 1200 local people and had raised over £16,000 to provide free and affordable access to grassroots football.

3. Felicia Ogunle

Felicia started volunteering in Nigeria in 1998 and she had not stopped since. She started volunteering for the British Red Cross in 2000 and now helped fundraise for the charity. Felicia also volunteered at her local church and for the past 14 years had provided food for homeless people through the church, as well as providing support for other vulnerable people in the community. Felicia also volunteered for the Hackney befriending service, she goes above and beyond her call of duty as a befriender.

RESOLVED that the following recipients receive an I Love Hackney Mayor's Civic Award:

1. Janette Collins
2. Bobby Kasanga
3. Felicia Ogunle

3 Election of the Speaker for the Municipal Year 2017/18

- 3.1 Mayor Glanville nominated Councillor Soraya Adejare for the position of Speaker for the 2017/18 Municipal Year. Mayor Glanville gave a personal

anecdote of when he had first met Councillor Adejare, stating that she was clearly one to watch.

- 3.2 Mayor Glanville stated that Councillor Adejare was born and raised in Woodberry Down and had long been active in her local community. She had engaged with a broad spectrum of residents and community groups across the borough; this included local schools, business groups, TRAs, youth related organisations, religious groups and charities. Over the past year, Councillor Adejare had supported and deputised for Councillor Sales at 23 events, including 9 citizenship ceremonies and community events.
- 3.3 Deputy Mayor Bramble seconded the nomination.
- 3.4 Councillor Steinberger stated that members of the Conservative Group never voted in favour of a Labour nomination to Speaker, however he wished to note that this was not personal to Councillor Adejare and wished her a good year in office. He added that they would not be putting forward a nomination for Speaker.

RESOLVED that Councillor Soraya Adejare be elected to serve as Speaker for the 2017/18 Municipal Year.

Votes:

For: Majority

Against: 0

Abstain: 3 (Councillor Odze recorded vote)

- 3.5 Councillor Adejare read aloud and signed her declaration of acceptance of office, which was witnessed by the Chief Executive.

(There was a short adjournment and the dais party left the Chamber where the Speaker received the chains of office. The meeting then reconvened and Councillor Adejare took the Chair).

4 Vote of Thanks to the Outgoing Speaker

- 4.1 Mayor Glanville moved a vote of thanks to the outgoing Speaker, Councillor Sales. Mayor Glanville stated that it had been a year of challenges, both political and otherwise, and Councillor Sales was well equipped to respond to these. Councillor Sales had supported two charities during her time as Speaker, Hackney Migrant Centre and North London Action for the Homeless, which reflected challenges we as a society continued to face and which did not receive enough support. Councillor Sales had also responded to the challenge of hate crime, representing the borough at numerous events and most recently the previous evening at a cross community meeting called about the Manchester attacks.
- 4.2 Outgoing Speaker, Councillor Sales had attended 318 engagements, with some of the highlights being an incredibly moving Holocaust Memorial service,

marching in 2016 Pride Parade and the Hackney in Harmony Concert and Klezmer night.

- 4.3 Councillors Levy and Sharer offered their vote of thanks to the outgoing Speaker and made particular reference to the Holocaust Memorial service hosted by the outgoing Speaker, which had been very moving.
- 4.4 Councillor Adejare presented the Past Speaker's badge and civic album to Councillor Sales, and invited her to respond to the vote of thanks.
- 4.5 Councillor Sales thanked Members for their vote of thanks, officers from the Speaker's office for all of their support during her time as Speaker, as well as the opportunity to be Speaker for such an amazing borough. Councillor Sales had raised over £23,000 for her chosen charities.
- 4.6 Councillor Sales took the opportunity to congratulate former Deputy Speaker Councillor Adejare on her election as Speaker and wished her all the best for the year.

RESOLVED that Councillor Rosemary Sales be thanked for her contribution to the Council and the Borough of Hackney during her term of office as Speaker.

5 Apologies for Absence

- 5.1 Apologies for absence were received from Councillors Buitekant, McKenzie and Snell.

6 Declarations of Interest

- 6.1 There were no declarations of interest.
- 6.2 The Speaker took the opportunity to remind Members that we were in a period of purdah before the General Election and would all Members refrain from making any campaigning statements during the meeting.

7 The Speaker's Programme for the Municipal Year 2017/18

- 7.1 The Speaker thanked Members for their support and was honoured to take on the role of Speaker. The Speaker referred to the barbaric attack which had taken place in Manchester and prayed for the victims and their families. She stated that it was important to remain united in times like this.
- 7.2 The Speaker stated that she was proud to call Hackney her home and was looking forward to having the opportunity to meet many more people and organisations within the borough. Hackney had seen many changes over the years and was an incredible place now with amazing schools and vibrant and diverse communities.
- 7.3 The Speaker's nominated charities for 2017/18 were as follows:-
 - **Skyway** – a youth charity based in Shoreditch
 - **Access to Sports** – a community led, create and innovative sports development project based near Finsbury Park.

- **Off Centre** – a counselling, therapy, advocacy, advice and psychosocial service for young people aged between 11 and 25 who live, work or study in Hackney.

7.4 It was noted that the Speaker's consort would be her brother, Olu Adesanu.

8 Election of the Deputy Speaker for the Municipal Year 2017/18

8.1 Deputy Mayor Bramble nominated Councillor Clare Potter to serve as Deputy Speaker for the 2017/18 Municipal Year. Deputy Mayor Bramble was pleased to nominate Councillor Potter, who had been a resident of Hackney for the past 16 years. She was a great advocate for the community, gaining mutual trust and respect, representing Brownswood Ward.

8.2 Councillor Chapman seconded the nomination for Deputy Speaker.

8.3 There were no other nominations.

RESOLVED that Councillor Clare Potter be elected to serve as Deputy Speaker for the 2017/18 Municipal Year.

Votes:

For: Majority

Against: None

Abstentions: 4

8.4 Councillor Potter read aloud and signed her declaration of acceptance of office, which was witnessed by the Chief Executive.

8.5 Councillor Potter thanked Members for the great honour to serve as Deputy Speaker and support the Speaker of Hackney. Councillor Potter introduced her husband, Bruce Robert Bush as her consort.

9 Minutes of the previous meeting - 1 March 2017

RESOLVED that the minutes of the ordinary Council meeting held on 1 March 2017 be approved as a correct record, subject to the following amendments, which were noted:

- Paragraph 6.5 – Councillor Odze stated that his second supplementary question should have stated that the Council should abolish CPZs and not just look at abolishing.
- Paragraph 7.5 – the last sentence to be deleted.
- Paragraph 7.7 – Councillor Steinberger stated that campaigning should continue regarding the 73 bus route.

10 Elected Mayor's Statement - Standing Item

10.1 Mayor Glanville welcomed Members and all guests to the AGM.

10.2 Mayor Glanville explained that the AGM was always a civil rather than political event and with the general election and the tragic events of the past 48 hours in

Manchester, this was more important than ever. No one should have to live in fear and every one had come together this evening for a minute silence to remember those that lost their lives in this tragic event.

- 10.3 Mayor Glanville stated that more needed to be done to challenge hate and the ideologies surrounding it. The most important thing was to come together and keep calm, carry on and celebrate our values. He added that it was a privilege and an honour to follow in his predecessor Jules Pipes' footsteps and took the opportunity to admire the refurbishment works that had taken place within the Town Hall, now in its 80th year.
- 10.4 Mayor Glanville stated that it was important to celebrate Hackney as a place for everyone. The Council, officers and residents up and down the borough working together, committed to fairness and making the borough stronger. He gave examples of where he had witnessed this during his time as Mayor, including meeting one of the Syrian refugee families Hackney had helped to settle and the Youth Hackney Awards.
- 10.5 Mayor Glanville finished by quoting some words from Tony Walsh's poem 'This is the Place' spoken at the vigil the previous evening in Manchester, which he believed celebrated diversity and reflected Manchester's spirit, as well as our own:-

'Because this is a place that has been through some hard times: oppressions, recessions, depressions, and dark times.

But we keep fighting back with Greater Manchester spirit, Northern grit, Northern wit, and Greater Manchester's lyrics.

Because this is a place that understands your grand plans. We don't do "no can do", we just stress "yes we can".

- 10.6 Responding to the Mayor's statement, Councillor Levy on behalf of the Conservative Group, stated that the events of Monday evening on defenceless children had cast a long shadow. Councillor Levy gave his heartfelt condolences to the victims and victim's families and wished those injured a speedy recovery. He added that hatred and intolerance had no place in Hackney and that there was more that unites than divides us. He finished by quoting Chief Rabbi Jonathan Sales:-

'To know you made a difference, that in this-all-too-brief span of years you lifted someone's spirits, relieved someone's poverty or loneliness, or brought a moment of grace or justice to the world that would not have happened had it not been for you

These acts are as close as we get to the meaningfulness of life, and they are matters of everyday rather than heroic virtue'.

- 10.7 Responding to the Mayor's statement, Councillor Sharer on behalf of the Liberal Democrat Group, also referred to the recent act of terrorism and the need to carry on as before. He referred to a meeting that had taken place in a local community centre the previous evening which had attracted a range of

people from different communities. The key message to take away from the community was that we won't be divided.

11 Composition of the Cabinet and Sub-Committees (to follow)

RESOLVED that the composition of Cabinet and Cabinet Procurement Committee be noted, as set out below, for the 2017/18 Municipal Year:-

Mayor and Cabinet:

Mayor Philip Glanville
Deputy Mayor Anntoinette Bramble
Cllr Jonathan McShane – Health Social Care and Devolution
Cllr Feryal Demirci – Neighbourhoods, Transport and Parks
Cllr Guy Nicholson – Planning, Business and Investment
Cllr Geoff Taylor – Finance and Corporate Services
Cllr Clayeon McKenzie – Housing Services
Cllr Jon Burke – Energy, Sustainability and Community Services
Cllr Caroline Selman – Community Safety and Enforcement
Cllr Carole Williams – Employment, Skills and Human Resources

Mayoral Advisors:

Cllr Rebecca Rennison – Advice Services and Preventing Homelessness
Cllr Sem Moema – Private Renting and Housing Affordability

Cabinet Procurement Committee:

Lead Member for Finance and Corporate Services – Cllr Geoff Taylor (Chair)
Deputy Mayor Anntoinette Bramble
Lead Member for Health Social Care and Devolution – Cllr Jonathan McShane
Lead Member for Community Safety and Enforcement – Cllr Caroline Selman
Substitute Member – Mayor Philip Glanville

Member Champions:

Mental Health champion – Cllr Tom Rahilly
Heritage champion – Cllr Clare Potter
Fairtrade champion – Cllr Clare Potter
Dementia champion – Cllr Yvonne Maxwell
No place for Hate champion – Cllr Sade Etti
Care leavers champion – Cllr Sophie Conway
Youth employability champion – Cllr Mete Coban

12 Establishment and Composition of the Council's Committees and Commissions 2017/18

RESOLVED that the establishment and composition of the following Committees and Commissions be approved, as set out below, for the 2017/18 Municipal Year:-

Appointments Committee:

Mayor Philip Glanville

Councillor Brian Bell
Councillor Anntoinette Bramble
Councillor Robert Chapman
Councillor Christopher Kennedy

Audit Committee:

Councillor Brian Bell
Councillor Robert Chapman
Councillor Michelle Gregory
Councillor Sem Moema
Councillor Nick Sharman
Councillor Carole Williams

One Conservative Vacancy

Corporate Committee:

Councillor Will Brett
Councillor Laura Bunt
Councillor Mete Coban
Councillor Susan Fajana-Thomas
Councillor Katie Hanson
Councillor Christopher Kennedy
Councillor Sally Mulready
Councillor Deniz Oguzkanli
Councillor M Can Ozsen
Councillor Clare Potter
Councillor Nick Sharman
Councillor Vincent Stops
Councillor Jessica Webb

Councillor Michael Levy
Councillor Ian Sharer

Licensing Committee:

Councillor Brian Bell
Councillor Barry Buitekant
Councillor Sophie Cameron
Councillor Sade Etti
Councillor Margaret Gordon
Councillor Christopher Kennedy
Councillor Richard Lufkin
Councillor Sharon Patrick
Councillor James Peters
Councillor Emma Plouviez
Councillor Ian Rathbone
Councillor Caroline Selman
Councillor Peter Snell

Councillor Simche Steinberger
One Liberal Democrat vacancy

Pensions Committee:

Councillor Kam Adams
Councillor Rob Chapman
Councillor Feryal Demirci
Councillor Michael Desmond
Councillor Patrick Moule
Councillor Geoff Taylor

Councillor Abraham Jacobson

Planning Sub-Committee:

Councillor Will Brett
Councillor Barry Buitekant
Councillor Susan Fajana-Thomas
Councillor Katie Hanson
Councillor Ned Hercock
Councillor Christopher Kennedy
Councillor Vincent Stops

Councillor Michael Levy
Councillor Ian Sharer

Substitutes:

Councillor Brian Bell
Councillor Laura Bunt
Councillor Michael Desmond
Councillor Sem Moema
Councillor M Can Ozsen
Councillor Clare Potter

Councillor Benzion Papier
Councillor Dawood Akhoon
Councillor Abraham Jacobson

Standards Committee:

Councillor Anntoinette Bramble
Councillor Katie Hanson
Councillor Ben Hayhurst
Councillor Clayeon McKenzie
Councillor Sally Mulready
Councillor Clare Potter
Councillor Jess Webb

One Conservative Vacancy
One Liberal Democrat Vacancy

(Co-optees of the Standards Committee to be appointed at the next Council meeting on 26 July 2017).

Health and Wellbeing Board

Cllr Jonathan McShane, Cabinet Member for Health, Social Care and Devolution
Dr Clare Highton, Chair, City and Hackney Clinical Commissioning Group
Paul Haigh, Chief Officer, City and Hackney Clinical Commissioning Group
Cllr Anntoinette Bramble, Cabinet Member, Children's Services
Anne Canning, Group Director, Children, Adults and Community Health, Hackney Council
Kim Wright, Group Director, Neighbourhoods and Housing, Hackney Council
Dr Penny Bevan, Director of Public Health, Hackney Council
Tracey Fletcher, Chief Executive, Homerton University Foundation Trust
Dr Navina Evans, Chief Executive, East London Foundation Trust
Paul Fleming, Chair, Hackney Healthwatch,
Alistair Wallace representative of the voluntary and community sector
Laura Sharpe, GP Confederation
Raj Radia, Chair, Local Pharmaceutical Committee

Corporate Parenting Board

Councillor Soraya Adejare
Councillor Anntoinette Bramble
Councillor Mete Coban
Councillor Sharon Patrick
Councillor Anna-Joy Rickard
Councillor Rosemary Sales

London Borough of Hackney Integrated Commissioning Committee

Councillor Anntoinette Bramble, Cabinet Member for Children's Services
Councillor Jonathan McShane, Cabinet Member for Health, Social Care and Devolution
Councillor Geoff Taylor, Cabinet Member for Finance and Corporate Services

Children and Young People Scrutiny Commission:

Councillor Sophie Conway
Councillor Tom Ebbutt
Councillor Michelle Gregory
Councillor Margaret Gordon
Councillor Christopher Kennedy
Councillor Emma Plouviez
Councillor Tom Rahilly
3 Labour Vacancies

One Conservative Vacancy
Councillor Abraham Jacobson

(Co-optees of the Children and Young People Scrutiny Commission to be appointed at the next Council meeting on 26 July 2017).

Health in Hackney Scrutiny Commission:

Councillor Laura Bunt
Councillor Ben Hayhurst
Councillor Yvonne Maxwell
Councillor Ann Munn
Councillor James Peters
Councillor Rosemary Sales
Councillor Peter Snell

One Conservative Vacancy

Living in Hackney Scrutiny Commission:

Councillor Kam Adams
Councillor Will Brett
Councillor Sade Etti
Councillor Yvonne Maxwell
Councillor Sharon Patrick
Councillor James Peters
Councillor Ian Rathbone

One Conservative Vacancy

Working in Hackney Scrutiny Commission:

Councillor Mete Coban
Councillor Patrick Moule
Councillor Deniz Oguzkanli
Councillor M Can Ozsen
Councillor Clare Potter
Councillor Anna-Joy Rickard
Councillor Nick Sharman

One Conservative Vacancy

13 Council Appointments and Nominations to Outside Bodies

13.1 The Speaker advised that the schedule had been tabled at the meeting.

RESOLVED that the Hackney nominations to Outside Bodies be approved, as set out below, for the 2017/18 Municipal Year:-

Hackney CAB – Cllr Selman
Hackney Community Law Centre – Cllr Oguzkanli
Industrial Dwellings Society – Cllr Fajana-Thomas
Lee Valley Regional Park Authority – Cllr Kennedy

14 Programme of Meetings for the Municipal Year 2017/18

RESOLVED that the programme of meetings for the 2017/18 Municipal Year be approved, subject to the following amendments:-

Wednesday, 24th May, 2017

Working in Hackney Scrutiny Commission be moved from 25 September 2017 to **18 September 2017**

Health in Hackney Scrutiny Commission be moved from 4 October 2017 to **10 October 2017**

Audit Committee be moved from 29 June 2017 to **26 June 2017**

Duration of the meeting: 7:00 – 8:45pm



THE LATE NIGHT LEVY

COUNCIL

26 JULY 2016

CLASSIFICATION:

OPEN

WARD(S) AFFECTED

All Wards

GROUP DIRECTOR

KIM WRIGHT

1. INTRODUCTION

- 1.1 The late night levy (“the levy”) is a discretionary power, conferred on licensing authorities by provision in Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”). This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority’s area, as a means of raising a contribution towards the costs of policing the late-night economy.
- 1.2 On 4 April 2016 the Licensing Committee considered a report on the powers to introduce the levy. The Licensing Committee recommended that the Council should consult on the introduction of the levy.
- 1.3 On 20 July 2016 the Council resolved to consult on a proposal to introduce the levy following the recommendation of the Licensing Committee. The consultation commenced on 13 February 2017 and concluded on 7 May 2017.
- 1.4 On 21 June 2017 the Licensing Committee considered the outcome of the consultation. Having considered the options and responses, the Licensing Committee made a recommendation for the Council to introduce the levy.

2. RECOMMENDATION

2.1 The Council is asked:

- (i) to note and consider the contents of the report and appendices.**
- (ii) to decide whether or not to introduce the Late Night Levy in Hackney on 1 November 2017 .**
- (iii) to decide, if the Council, is to introduce the Late Night Levy, the following will apply:**
 - The late night supply period be from 00:01 to 06:00**
 - That no exemptions categories are to be applied**
 - That no reduction categories are to be applied**
 - The proportion of net levy payments to be paid to the Mayor of London’s Office for Policing and Crime (MOPAC) will be 70%.**

2.2 The Council is also asked to:

- (i) **Agree that the Group Director for Neighbourhoods and Housing creates a management board in accordance with paragraph 4.5 of this report and reports back to the Licensing Committee an agreed terms of reference, and**
- (ii) **Delegate to the Director of Legal to carry out and make any necessary constitutional changes that are required to the terms of reference of the Licensing Committee to bring recommendation 2.2(i) above into effect.**

3. BACKGROUND

- 3.1 Established under the Police Reform and Social Responsibility Act 2011, the levy is a provision enabling licensing authorities to charge an additional annual fee to persons who are licensed to sell alcohol in the local area late at night. The revenue raised is then used as a contribution towards the costs of policing the late night economy.
- 3.2 The levy must apply to the whole area covered by the licensing authority. And the decision to introduce it must be made by Full Council.
- 3.3 Section 125(3) of the Police Reform and Social Responsibility Act 2011 makes it a requirement for the licensing authority to consider the desirability of introducing a levy in relation to the matters described. These matters are 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.
- 3.4 Hackney Police estimate the cost of policing the night-time economy in the borough to be around £1.4 million annually, of which £890,000 is specifically required to fund the dedicated Night-Time-Economy teams.
- 3.5 Evidence included in the report to the Council on 21 July 2016 suggests that there is a strong correlation between the locations of licensed premises and the level of crime and disorder which warrants this action.
- 3.6 The Council has had discussions with Hackney Police. Following these discussions it was felt to be appropriate to begin the process of introducing the levy in Hackney. The late night supply period would be 00:01 to 06:00.

4. APPLICATION OF THE LEVY

- 4.1 The levy can apply to holders of licences/certificates authorised to sell alcohol on any days during a period (the “late night supply period”) beginning at or after midnight and ending at or before 6am. Any such holder will be liable to pay the levy, regardless of whether the holder’s premises are actually operating during the period. For example, a supermarket with a 24 hour licence will be required to pay the levy regardless of its actual opening hours.

- 4.2 The levy must be paid annually by each premises licence or club premises certificate holder to the local authority. After deductions for introducing and administering the levy, the rate of the revenue split will be at least 70% to the Mayor of London's Office for Policing and Crime (MOPAC), with the remainder being retained by the Licensing Authority.
- 4.3 The local authority must use its portion of the levy on activities, which must be related to mitigating the impact of the supply of alcohol within the specified hours, namely:
- the reduction or prevention of crime and disorder,
 - the promotion of public safety,
 - the reduction or prevention of public nuisance,
 - the cleaning of any relevant highway or relevant land in its area.
- 4.4 The Home Office recommends that the licensing authority use any existing partnership with the police to discuss the police intentions for its share of the levy revenue. The Home Office also recommends that the police should consider allocating 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.
- 4.5 If the Council decides to introduce the levy, a local management board would be established which would be responsible for overseeing how the revenue is spent. Representatives from licensed premises liable to pay the levy would be invited to participate in this arrangement. This would be similar to the arrangements in other authorities that have introduced the levy, such as Newcastle City Council and the London Borough of Islington. The Licensing Committee would oversee the establishment of the Board.
- 4.6 The amount of levy payable is dependent on the non-domestic rateable value of the premises. This is the same as the existing licence fee structure under the Licensing Act 2003 that is set by central government. Table 1 sets this out below:

Rateable Value Bands	A No rateable value to £4300	B £4301 to £33000	C £33001 to £87000	D £87001 to £125000	E £125001 and above	D x 2 *	E x 3 **
Annual Levy Charge	£299	£768	£1,259	£1,365	£1,493	£2,730	£4,440

* Multiplier applies to premises in band D that primarily or exclusively sell alcohol.

** Multiplier applies to premises in band E that primarily or exclusively sell alcohol.

4.7 Table 2 details the number of relevant authorisations that would be required to pay the levy according to records held by the Licensing and Technical Support Service at the time of writing this report

Band	Number of premises	Band Fee	Estimated Maximum Income
A	15	£299	£4,485
B	285	£768	£218,880
C	80	£1,259	£100,720
D	14	£1,365	£19,110
E	35	£1,493	£52,255
Total	429		£395,450

4.8 There are 429 premises that are authorised to sell alcohol between 00:01 and 06:00. Data shows that these premises are spread across the borough and that the majority are in fee Band B. The maximum income would be £395,450.

4.9 The Licensing and Technical Support Service estimates that the cost of administering the levy in the first year would be in the region of £10-£15,000. This figure is expected to be able to be reduced in future years.

4.10 Any levy introduced would apply indefinitely until the Council decides that the levy will cease to apply. Such a step would require further consultation.

EXEMPTIONS AND REDUCTIONS

4.11 The Council has the power to exempt certain premises from paying the levy. The premises, which are prescribed in regulations, are as follows:

- Premises with overnight accommodation:
- Theatres and cinemas:
- Bingo halls:
- Community Amateur Sports Clubs (“CASCs”):
- Community premises:
- Country village pubs
- Premises which are only have a relevant late-night authorisation on New Year’s Eve:
- Premises that participate in Business Improvement Districts (“BIDs”):

4.12 In addition to the above, a licensing authority may also offer a reduction of up to 30% to:

- Premises that are in receipt of Small Business Rate Relief and have a rateable value of £12,000 or less. The reduction is only available to premises that supply alcohol for consumption on the premises; and

- Operators who hold membership of a suitable best practice scheme designed to reduce alcohol related crime and disorder.
- 4.13 It should be noted that in the event of a levy being implemented, operators would be able to apply for a free minor variation to reduce their hours for the sale of alcohol to take them outside the late night supply. The cost of this process is deducted from any revenue raised.

VOLUNTARY LEVY

- 4.14 Members are reminded that the Council's Regeneration Delivery team has in place a commitment with a number of operators of licensed premises in the Dalston and Shoreditch areas to fund the overtime costs of six wardens on Friday and Saturday nights.
- 4.15 There are currently around 40 businesses that participate in the scheme, contributing around £56,000 per annum. The process for collection is managed by an officer in the Regeneration Delivery Team.
- 4.16 It has been well received by local residents and business and has been pivotal in addressing numerous anti-social behaviour related impacts of the NTE such as street urination and illegal street trading. However, opportunities to expand this scheme are limited.
- 4.17 The late night levy provides an opportunity to raise a significant amount of revenue above that collected by the voluntary scheme. Therefore, it is expected that the voluntary levy would not continue if the late night levy were introduced.

5. CONSULTATION ON THE INTRODUCTION OF THE LEVY

- 5.1 Before any levy is introduced, and in addition to the requirements set out in Section 125(3) of the Police Reform and Social Responsibility Act 2011, the Council must consult with holders of relevant authorisations and the Chief Officer of Police. The Council may also consult more widely than this, for example, with residents, trade bodies and other local businesses.
- 5.2 The consultation commenced on 13 February 2017 and concluded on 7 May 2017. A total of 1,124 letters were sent to relevant persons. Also enclosed with the letter was the statutory notice of the consultation, some background information and details of the online consultation. A statutory notice appeared in the Hackney Gazette on 23 February 2017. A summary document was also prepared and paper copies of the consultation questions were made available. Copies are appended to this report.
- 5.3 A total of 71 responses were received during the consultation period. This consisted at 62 survey responses and 9 open-ended submissions

sent direct to Licensing and Technical Support. A report with analysis of the consultation is appended to this document.

RESPONSE TO THE CONSULTATION

- 5.4 On 21 June 2017 the Licensing Committee considered the outcome of the consultation. Having regard to the responses and having considered the options, the Licensing Committee made a recommendation for the Council to introduce the levy, with no exemptions or reductions at this stage. The responses were also noted from some of the large operators. However there was a distinct lack of response from smaller independent operators.
- 5.5 Full Council is asked to consider the consultation report and the responses received so as to decide whether they wish to adopt the recommendation of the Licensing Committee. If the Council decides to introduce the levy, it will commence on 1 November 2017. Prior to this, the Licensing Committee will receive a report on the terms of reference and the set-up of the Board. The Board will be required to provide a reporting mechanism for the Licensing Committee on all relevant matters relating to the levy and how it is being used.
- 5.6 In addition to this, a full response to the consultation will be prepared and considered by the Licensing Committee at its next meeting, currently scheduled for September 2017.

6. COMMENTS OF THE GROUP DIRECTOR, FINANCE AND CORPORATE RESOURCES

- 6.1 This report seeks the Council to decide whether or not to introduce the Late Night Levy in Hackney. The amount of the Late Night Levy is set at National Level and will be collected alongside the annual licence fee.
- 6.2 The Licensing and Technical Support Service estimate that the existing 429 premises that are authorised to sell alcohol between midnight and 6am, would generate a maximum gross income of £395,450 from a late night levy. The potential income, in the event of a levy being implemented, may reduce if operators apply to vary their hours to operate outside the levy period.
- 6.3 The Council would be entitled to retain up to 30% of income receipts after deducting administration costs and exemptions. The eventual percentage allocation and the use of the Police's income share will be agreed in negotiations with the Chief Police Officer and MOPAC.
- 6.4 The current cost of the Night Time Economy (NTE) is managed within the existing Council service budgets. If the Late Night Levy is adopted by the Council, the Licensing and Technical Support service expects the administration costs will be up to £15k in the first year with reductions in

future years. A local management board would be established which would be responsible for overseeing how the additional income is spent (see paragraph 4.5).

- 6.5 The management board will ensure that any new resources employed by the Council in policing and administration of the NTE does not exceed the additional income generated.

7. COMMENTS OF THE DIRECTOR OF LEGAL

- 7.1 The introduction of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”) allowed the Council to raise revenue to tackle the problems of crime and disorder that are caused by the night time economy by imposing a Late Night Levy (“the Levy”) on those premises that are licensed for alcohol sales between midnight and 6.00 am. The powers to introduce the Levy come specifically within the 2011 Act and not by way of an amendment to the Licensing Act 2003.
- 7.2 Any levy imposed currently applies to all those in the borough that hold a licence to supply alcohol for the hours that the Levy will operate from. However, Local authorities do have a discretion as to the hours when the Levy can start and finish, which is restricted to those hours specified above.
- 7.3 The legislation states that no less than 70% of the revenue raised must be given to the local policing body for the purpose of reducing or preventing crime and disorder. The accompanying regulations stipulate that the revenue retained by the Local Authority, which can be no more than 30%, must be used on matters relating to crime and disorder, public safety, public nuisance and the cleaning of any relevant land or highway as a result of the NTE.
- 7.4 As set-out within paragraph 4.4 of the report, the 2011 Act does not prohibit the Local Authority and Police agreeing a separate agreement relating to the funds raised for the Police.
- 7.5 The regulations governing the application and administration of the Levy sets out the recoverable revenue, which is determined by the rateable value of the premises as set out in the fee band within the table at paragraph 4.7. Following the initial payment the Levy is paid on an annual basis. There are certain occasions when the level of payment is adjusted, for example when a licence lapses due to insolvency or death. The Local Authority also has discretion on whether to adjust a payment if a licence is surrendered.
- 7.6 The exemptions and reductions regulations sets out what types of premises the Local Authority has the discretion to exclude from the Levy or to apply a reduction.

- 7.7 The application and administration regulations state that should any Local Authority decide to introduce a Levy, following the prerequisite consultation procedure, those holding an alcohol licence for the relevant hours can decide to opt out of the Levy by varying their licence before the Levy takes effect. No application fee will be payable for those making any such variation application.
- 7.8 The Policing and Crime Act 2017 has also amended the provisions relating to the Levy with regards to not necessarily needing to be for the Borough as whole and that it can apply to those that are just providing late night refreshment, for example. However these changes have not taken effect as yet and will require secondary legislation to do so. If these changes are introduced and the Council decides that they wish to amend any approved Levy following the consultation that concluded on 7th May 2017 the Local Authority will need to re-consult and follow the same procedural requirements that are required for introducing the Levy.
- 7.9 The Council's consultation has been carried out in line with the statutory provisions relating to the introduction of the Levy and in accordance to the guidance produced by the Government's Cabinet Office Consultation Principles. These principles do not displace the general principles derived from case law as to how consultations should be conducted. Those principles, known as the "Gunning principles", are as follows;
- Consultation should occur when proposals are at a formative stage;
 - Consultations should give sufficient reasons for any proposal to permit intelligent consideration;
 - Consultations should allow adequate time for consideration and response;
- 7.10 Following the consultation coming to an end the Local Authority must conscientiously consider the consultation responses, or a summary of them, before taking its decision.
- 7.11 If the Levy is to be introduced it must be approved by Full Council pursuant to Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
- 7.12 Should the Council decide to introduce the Levy the local authority must comply with the following procedural requirements;
- placing a notice of the relevant decision along with the necessary details as to the proposed levy on the website and in the local newspaper with a copy of the decision (with the necessary details) also being sent to police and affected licensees

APPENDICES

Appendix 1 – Consultation material

Appendix 2 – Report on the Consultation.

Appendix 3 – Table of open ended responses received.

EXEMPT

Not applicable.

BACKGROUND PAPERS

None

Report Author	David Tuitt Business Regulation Team Leader – Licensing and Technical Support david.tuitt@hackney.gov.uk ☎ 020 8356 4942
Comments of the Corporate Director of Finance and Resources	Deirdre Worrell Director – Neighbourhoods and Housing Finance ☎ 020 8356 7350
Comments of the Director of Legal Services	Butta Singh Senior Lawyer – Licensing butta.singh@hackney.gov.uk ☎ 020 8356 6295



Late Night Levy Consultation

The Council is consulting on a proposal to introduce a late night levy (LNL) on all licensed premises selling alcohol between midnight and 6am.

February 2017

What is the Late Night Levy (LNL)?

The Police Reform and Social Responsibility Act 2011, gives Licensing Authorities the power to charge a Late Night Levy (LNL) to those licensed to sell alcohol between midnight and 6am.

The revenue raised is then used as a contribution towards the costs of managing the late night economy, this includes contributing to the cost of policing and community safety.

Why introduce a LNL?

Hackney is one of the main centres for culture and leisure in London. The borough has over 1000 licensed premises and many of these premises are authorised to supply alcohol. Of these, there are 399 licensed premises that are able to supply alcohol between midnight and 6am.

The growth of Hackney's night-time leisure economy has contributed to the borough's wider economic growth, and to Hackney's reputation as a vibrant and fashionable place for people to live, work and visit.

Licensed premises bring many benefits to the borough, including employment and business opportunities. However, the night-time economy also has an impact on the borough's town centres, surrounding neighbourhoods and places an additional demand on public services. These include increased levels of crime and anti-social behaviour, litter and noise nuisance. Responding to and managing these impacts generates additional costs for the Council, the Police and other public bodies.

If the LNL is introduced it will contribute to the policing and control of late night alcohol related crime and disorder.

Evidence gathered as part of the most recent review of the Council's Statement of Licensing Policy showed a clear correlation between the locations of late night licensed premises and incidents involving robbery, violence and theft.

Hackney Police estimate the cost of policing the night-time economy in the borough to be around £1.4 million annually, of which £890,000 is specifically required to fund the dedicated Night-Time-Economy teams.

How does the LNL work?

- The LNL is set by central government and collected alongside the annual licence fee.
- The LNL is based on the non-domestic rateable value, also set by central government. All premises

licensed to sell alcohol between midnight and 6am must pay the amounts that are set out in Table 1.

- The proposed LNL will apply to all venues holding a premises licence or club premises certificate that permits the sale of alcohol between midnight and 6am on one or more days in any year even if the full licensable hours are not used. It will apply to premises supplying alcohol for consumption on and off the premises.
- If the LNL is introduced, licensees have a right to make an application to vary their licence so that the premises will not be subject to the LNL. They can alter the days or hours of operation free of charge so long as this is done before the LNL is in place.
- The levy is paid to the Council, but a key element of the LNL is the requirement that 'a specified proportion' of at least 70% of any net revenue collected by the Council must be paid to the Police.
- If the LNL is introduced, a local management board would be established which would be responsible for overseeing how the money raised from the LNL is spent. This could include representatives from licensed premises liable to pay the levy. The Council is in discussions with the Police to establish exactly how this could work. The eventual percentage allocation and the use of the Police's income share will be agreed in negotiations with the Metropolitan Police and Mayor of London's Office for Policing and Crime (MOPAC).
- The LNL cannot apply to Temporary Event Notices.

Table 1: The Late Night Levy charging structure

Rateable Value Bands		Annual Levy Charge
A	No rateable value to £4300	£299
B	£4301 to £33000	£768
C	£33001 to £87000	£1259
D	£87001 to £125000	£1365
E	£125001 and above	£1493
D x 2*	* Multiplier applies to premises in band D that primarily or exclusively sell alcohol.	£2730
E x 3**	** Multiplier applies to premises in band E that primarily or exclusively sell alcohol	£4440

Where premises within Bands D or E primarily or exclusively sell alcohol for consumption on the premises, a multiplier is added to ensure that larger clubs and bars make a higher contribution.

How will the money raised from the LNL be spent?

The money raised from the LNL will be used by the Council and the Police as a means of addressing the costs associated with policing the borough after midnight to manage crime, disorder and antisocial behaviour. Specifically the LNL will make a contribution towards services and activities which:

- Reduce or prevent crime and disorder
- Promote public safety
- Reduce or prevent public nuisance
- Clean any relevant highway or land in Hackney

The Council and the Police currently work in partnership to manage the night-time economy in Hackney. It is proposed that rather than see the levy revenue split between two separate programmes, a single programme is delivered in partnership. The programme could include the provision of:

- Additional police officer patrols across the borough
- Additional patrols by the Council's wardens
- Additional staffing to monitor CCTV and through a radio link with the police, enable staff to be promptly deployed where they are needed right across the borough
- Joint patrols and operations by Police and Council officers including wardens, so that there is maximum coverage of the borough and best use of resources
- Additional funding for waste removal and street cleansing in those areas worst affected.

Table 2 below shows the estimated revenue that could be raised if a LNL were to be introduced in Hackney.

Band	Number of premises	Band Fee per licensed premise	Estimated total annual Income
A	17	£299	£5,083
B	268	£768	£205,824
C	72	£1,259	£90,648
D	17	£1,365	£23,205
E	25	£1,493	£37,325
Total	399		£362,085

Possible revenue that could be raised by the levy

There are 399 premises that are authorised to sell alcohol between midnight and 6am, the majority of which are in non-domestic rateable value Band B. If

applied for the period, the possible maximum annual income would be £362,085.

Hackney's Voluntary Levy

Hackney currently has a voluntary levy which was introduced in 2013. There are currently only 40 businesses participating in the scheme, contributing a total of £56,000 per year.

The voluntary levy has helped to fund additional patrols by council wardens on Friday and Saturday nights in the Dalston and Shoreditch areas.

It has been well received by local residents and businesses and has been pivotal in addressing numerous anti-social behaviour related impacts of the night-time economy such as street urination and illegal street trading.

This scheme would not continue if the LNL were to be introduced.

Why aren't any exemptions or reductions proposed?

Local authorities may choose to exempt certain categories of premises, (e.g. country village pubs and bingo halls) or offer reductions in certain specified circumstances. Licensing authorities are not able to choose a category of premises for an exemption from the levy if it is not one of the specified categories.

We are not proposing to apply exemptions or reductions in Hackney as our data shows that the highest levels of crime and anti-social-behaviour are street based, often difficult to link to individual premises. It is therefore not appropriate to exempt categories of premises or offer reductions as all premises will benefit from the services provided. Further there are very few premises within Hackney that fall within the specified criteria that would be caught by the levy. More information on the exemption and reduction categories can be found within the Guidance issued by the Home Office: <https://www.gov.uk/government/publications/amended-latenight-levy-guidance>

What we want your views on

We would like to hear your views on the proposal to introduce a LNL in Hackney.

Who do we want to hear from?

The consultation is open to all, but we would particularly encourage those licensees that will be affected by the proposed levy and local residents to let the Council know their views.

How can you take part?

- You can complete this questionnaire online at www.hackney.gov.uk/licensing
- Return your completed questionnaire by 7 May 2017 to:
FREEPOST HACKNEY LICENSING SERVICE



For more information

- Email: licensing@hackney.gov.uk please include "Late Night Levy" in the subject line
- Phone: **020 8356 2431** to request paper copies of the consultation documents

What happens next?

After the consultation, the responses will be analysed and a report will be written which will be considered by Full Council before deciding whether or not to introduce the LNL.

The Late Night Levy consultation is not a referendum. The results of this public consultation will form only part of the information that the Council will be provided with so that a decision can be made on whether to introduce a LNL. The Council must take account of:

- impact of the night-time economy - such as the levels of crime and disorder
- the cost of dealing with these impacts whilst considering how beneficial the late night levy would be.

If the decision is made to introduce the LNL, it would come into effect on 1 November 2017. Notifications will be sent to all relevant licensees in July this year. Licensees that do not wish to be included in the LNL will have a three month period to make a free variation to their licence before the LNL is introduced.

If you would like to find out what this document says please tick the appropriate box, put your name, address and phone number at the bottom of this page and return it to the address below.

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Si vous désirez connaître le contenu de ce document, veuillez cocher la case appropriée et indiquer votre nom, adresse et numéro de téléphone au bas de cette page et la renvoyer à l'adresse indiquée ci-dessous. (French)

Ger hun dixwazin bizanibin ku ev dokument çî dibêje, ji kerema xwe qutîka minasib îşaret bikin, nav, navnîşan û hejmara telefona xwe li jêrê rûpel binivîsin û wê ji navnîşana jêrin re bişînin. (Kurdish)

Jeśli chcesz dowiedzieć się, jaka jest treść tego dokumentu, zaznacz odpowiednie pole, wpisz swoje nazwisko, adres i nr telefonu w dolnej części niniejszej strony i przeslij na poniższy adres. (Polish)

Haddii aad jeclaan lahayd in aad ogaato waxa dokumeentigani sheegayo fadlan calaamadi godka ku haboon, ku qor magacaaga, cinwaanka iyo telefoon lambarkaaga boggan dhankiisa hoose ka dibna ku celi cinwaanka hoose. (Somali)

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(Urdu) - اگر آپ یہ جاننا چاہتے ہیں کہ دستاویز میں کیا لکھا ہے تو ازراہ کرم مناسب باکس میں صحیح کا نشان لگائیے اور اپنا نام، پتہ اور فون نمبر اس صفحہ کے نیچے لکھیے اور اسے نیچے دیے گئے پتہ پر واپس بھیج دیجئے۔
Nếu bạn muốn biết tài liệu này nói gì hãy đánh dấu vào hộp thích hợp, điền tên, địa chỉ và số điện thoại của bạn vào cuối trang này và gửi lại theo địa chỉ dưới đây. (Vietnamese)

If you would like this document in any of the following formats or in another language not listed above, please complete and send the form to the address below.

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Late Night Levy Consultation Questionnaire

The Council is consulting on a proposal to introduce a late night levy (LNL) on all licensed premises selling alcohol between midnight and 6am.

February 2017

Late Night Levy Consultation Questionnaire

We are consulting on the introduction of a proposed late night levy in Hackney. The late night levy is an annual charge payable by licensed premises selling alcohol between midnight and 6am, as a contribution towards the cost of late-night policing and clean-up.

Please read the consultation document before completing the questionnaire and return it to us by **7 May 2017**. You can also complete the survey online at www.hackney.gov.uk/licensing

1. Do you support the introduction of a late night levy in Hackney where the income generated is focussed on reducing crime and disorder related to the late night supply of alcohol?

Yes No

If you answered no, what do you think is the best way to pay for the cost of tackling alcohol related crime and disorder?

Late Night Levy proposed times

2. We are proposing to introduce a late night levy for premises that supply alcohol between midnight and 6am. Do you think this is the right time period we should focus on? (please note that the Late Night levy can only be imposed on licensed premises selling alcohol between midnight and 6am. We could propose a shorter period within these hours.)

Yes No

If no, which time period do you suggest?

3. If you are currently licensed to sell alcohol between midnight and 6am, are you likely to change your licensed hours so that you are not liable to pay the levy?

Yes No Not applicable

4. If a LNL is introduced, Hackney Council will be working with the Police to find the best ways to spend the revenue raised.

Please indicate your preferences for how the Council and Police should spend the funds raised from the levy.

Please rank the following suggestions in order of priority from 1 to 6, with 1 indicating your most preferred option and 6 your least preferred option.

Additional police officer patrols across the borough	
Additional patrols by the Council's wardens	
Additional staffing to monitor CCTV and through a radio link with the police, enable staff to be promptly deployed where they are needed right across the borough	
Joint patrols and operations by police and council officers including wardens, so that there is maximum coverage of the borough and best use of resources.	
Additional funding for waste removal and street cleansing in those areas worst affected	
Portable/pop-up toilets	

Other, please tell us:

Exemptions or reductions

Local authorities may choose to exempt certain categories of premises, (e.g. country village pubs and bingo halls) or offer reductions in certain specified circumstances. Licensing authorities are not able to choose a category of premises for an exemption from the levy if it is not one of the specified categories.

We are not proposing to apply exemptions or reductions in Hackney as our data shows that the highest levels of crime and anti-social-behaviour are street based, often difficult to link to individual premises. It is therefore not appropriate to exempt categories of premises or offer reductions as all premises will benefit from the services provided. Further there are very few premises within Hackney that fall within the specified criteria that would be caught by the levy. More information on the exemption and reduction categories can be found within the Guidance issued by the Home Office: <https://www.gov.uk/government/publications/amended-latenight-levy-guidance>

5. If you do not agree with our approach, please explain why.

6. Do you have any other comments on the proposal to introduce a late night levy?

How can you take part?

- You can complete this questionnaire online at www.hackney.gov.uk/licensing
- Return your completed questionnaire by 7 May 2017 to:
FREEPOST HACKNEY LICENSING SERVICE

For more information

- Email: licensing@hackney.gov.uk please include “Late Night Levy” in the subject line
- Phone: **020 8356 2431** to request paper copies of the consultation documents

About you:

So we can best understand our service users and residents please fill in this optional information about you. All information is used under the strict controls of the 1998 Data Protection Act.

Are you...

- A premises licence holder (midnight to 6am)
- A club premises certificate holder
- A Hackney resident
- Trade or other Hackney business
- A visitor to Hackney

Other (please tell us):

Where do you live or where is your business located? (this information will help us to understand the views of Hackney businesses and residents)

- E1 E15 N4
- E2 E20 N5
- E5 EC1 N16
- E8 EC2 Other
- E9 N1

If you are responding as a resident, please complete the rest of these questions

Gender:

- Male Female

If you prefer to use your own term please provide this here:

Is your gender identity different to the sex you were assumed to be at birth?

- Yes it's different No it's the same

Age: What is your age group?

- Under 16 16-17
- 18-24 25-34
- 35-44 45-54
- 55-64 65-84
- 85+

Disability: Are your day-to-day activities limited because of a health problem or disability which has lasted, or expected to last at least 12 months?

- Yes No

Caring responsibilities: A carer is someone who spends a significant proportion of their time providing unpaid support to a family member, partner or friend who is ill, frail, disabled or has mental health or substance misuse problems.

Do you regularly provide unpaid support caring for someone?

- Yes No

Ethnicity: Are you...

- Asian or Asian British
- Black or Black British
- Mixed background
- White or White British
- Other ethnic group

Other (please state if you wish):

Religion or belief: Are you or do you have...

- Atheist/no religious belief
- Buddhist
- Charedi
- Christian
- Hindu
- Jewish
- Muslim
- Secular beliefs
- Sikh

Other (please state if you wish):

Sexual orientation: Are you...

- Bisexual
- Gay man
- Lesbian or Gay woman
- Heterosexual

Other (please state if you wish):

Thank you for taking the time to complete this survey your feedback is important to us.

NOTICE OF PROPOSAL TO INTRODUCE A LATE NIGHT LEVY IN THE LONDON BOROUGH OF HACKNEY

Police Reform and Social Responsibility Act 2011, Chapter 2 of Part 2 The Late Night Levy (Application and Administration) Regulations 2012 The Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012

Hackney Council is proposing to introduce a requirement that holders of premises licences or club premises certificates that authorise the supply of alcohol at any time between 00:01 and 06:00 on one or more days in a year pay a late night levy. The amount of the levy is set by the UK Government and will be an annual amount between £299 and £4,440 depending on the non-domestic rateable value of the premises. The Council proposes that the levy will be introduced on Wednesday 1st November 2017. The Council proposes that the late night supply period will be 00:01 to 06:00. Only premises which are authorised to supply alcohol during this time will be subject to the levy.

The Council **DOES NOT** propose to exempt the following permitted categories of premises from paying the levy:

- Premises providing overnight accommodation where alcohol can only be supplied to persons staying at the premises for consumption on the premises as defined in regulation 4(a) of the Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012 (“the Exemption Regulations”);
- Theatres, cinemas and bingo halls as defined in regulations 4(b), 4(c) and 4(d) of the Exemption Regulations;
- Registered Community Amateur Sports Clubs as defined in regulation 4(e) of the Exemption Regulations;
- Certain Community Premises as defined in regulation 4(f) of the Exemption Regulations; and
- Premises only authorised to supply alcohol between midnight and 6am on New Year’s Day as defined in regulation 4(i) of the Exemption Regulations.
- Country Village Pubs

The Council **DOES NOT** propose to reduce the levy for:

- Premises within a Business Improvement District as defined in regulations 4(g) and 4(h) of the Exemption Regulations.
- Premises subject to small business rates relief as defined in regulation 5(1)(b) of the Exemption Regulations.
- Premises is a business led best practice scheme as defined in regulations 5(1)(a) and 5(4) of the Exemption Regulations.

The Council proposes that 70% of the net amount of the levy payments will be paid to the Metropolitan Police and the Council will apply the balance in accordance with regulations. More information about the proposals is available via the Council’s website at www.hackney.gov.uk/licensing or from the Licensing Service, The Annexe, 2 Hillman Street, London E8 1FB (Tel: 020 8356 2431). The Council would like your views on the proposal and will take them into account before it makes a final decision whether or not to introduce the levy. You can send us your views by:

- Completing the online questionnaire. Go to www.hackney.gov.uk/licensing and follow the links.
- Writing to us at FREEPOST HACKNEY LICENSING SERVICE
- Emailing us at licensing@hackney.gov.uk. Please include “Late Night Levy” in the subject line.

The consultation ends on **Sunday 7th May 2017**.

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Late Night Levy

Consultation Report

May 2017

Report prepared by:

David Besbrode
Research Analyst
Communications and Consultation

Contact

Hackney Consultation Team
on 020 8356 3343 or
consultation@Hackney.gov.uk

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- Type of respondent and postcode area where they live or where their business is located
- Do you support the introduction of a late night levy in Hackney where the income generated is focussed on reducing crime and disorder related to the late night supply of alcohol?
- We are proposing to introduce a late night levy for premises that supply alcohol between midnight and 6am. Do you think this is the right time period we should focus on? (Please note that the Late Night levy can only be imposed on licensed premises selling alcohol between midnight and 6am. We could propose a shorter period within these hours.)
- If you are currently licensed to sell alcohol between midnight and 6am, are you likely to change your licensed hours so that you are not liable to pay the levy?
- If a LNL is introduced, Hackney Council will be working with the Police to find the best ways to spend the revenue raised. Please indicate your preferences for how the Council and Police should spend the funds raised from the levy. Please rank the following suggestions in order of priority from 1 to 6, with 1 indicating your most preferred option and 6 your least preferred option.

Exemptions or Reductions

- If you do not agree with our approach, please explain why? (*Comments*)
- Do you have any other comments on the proposal to introduce a late night levy? (*Comments*)

Profile of Respondents

- Gender: Are you...
- Is your gender identity different to the sex you were assumed to be at birth?
- What is your age group?
- Disability: Do you consider yourself to be disabled?
- Caring responsibilities: Do you regularly provide unpaid support caring for someone?
- Ethnicity
- Religion or belief
- Sexual orientation

Conclusion

Introduction

The Council consulted on the introduction of a proposed late night levy in Hackney between 14th February 2017 and 7th May 2017.

The late night levy is an annual charge payable by licensed premises selling alcohol between midnight and 6am, as a contribution towards the cost of late-night policing and clean-up.

Hackney Council and Hackney Police asked residents and businesses what they thought of proposals to introduce a late night levy on premises serving alcohol between midnight and 6am, to help fund the cost of community safety and policing.

Background

Hackney currently has 399 premises licensed to sell alcohol between midnight and 6am.

The Council wants to help support and sustain the borough's nightlife - which has made a valuable contribution to wider cultural and economic growth - however, it has also had an impact on public services, with increased levels of anti-social behaviour, crime, noise nuisance and litter.

The levy is expected to raise about £362,000 per year which would go towards the cost of managing the late-night economy, including a contribution towards the £1.4 million cost of policing and community safety.

The levy is set at a national level by the government based on the premises' rateable value. In Hackney that would vary from £299 to £1,259 per year.

Around 40 businesses already take part in a voluntary scheme, raising around £56,000 per year. The voluntary levy has helped to fund additional patrols by community safety wardens on Friday and Saturday nights in Dalston and Shoreditch.

Consultation Approach

The public consultation ran from 14th February to 7th May 2017.

The consultation was also publicised via the corporate consultation channels – ensuring residents and businesses were aware of the consultation.

The wider publicity involved having the information in Hackney Today, on the Hackney website and the Council's consultation and engagement platform citizen space. The consultation was promoted with a launch article in issue 396 (13 February) and a reminder included in issue 398 (13 March). The consultation was also promoted to the Council's online citizen's panel, Hackney Matters.

A letter was also sent to all relevant holders of licenses/certificates, as required by legislation, notifying them about the consultation. This was sent out to 574 premises, 547 license holders, the Borough Commander, the British Beer and Pub Association and the Association and the Association of Licensed Multiple Retailers. Copies of the survey were also given out at various meetings.

Interpretation of Data

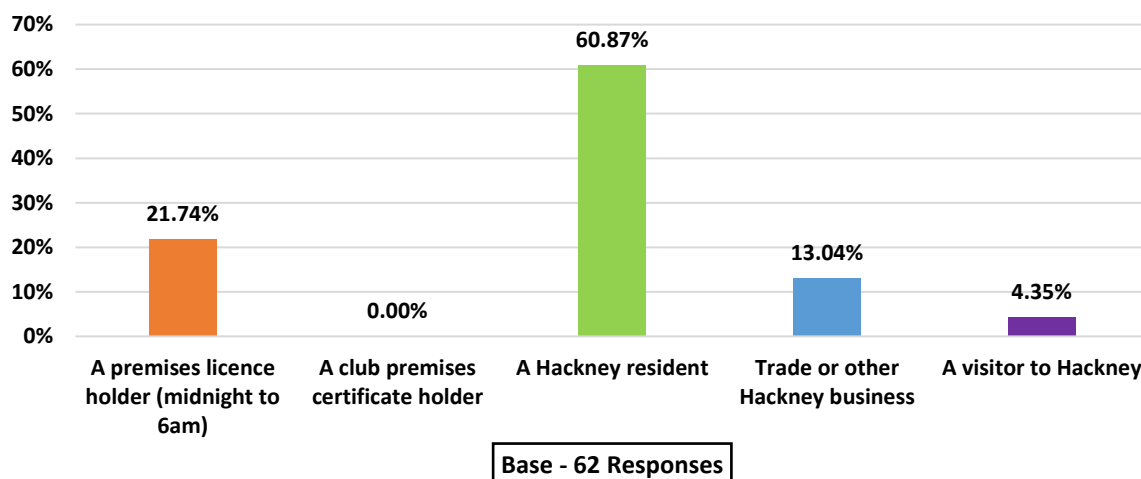
There was a very low response rate for this consultation, with only a total of 62 responses, and the majority being Hackney residents. As such, the results should be viewed with

caution due to the fact that those who are premises licence holders account for a small number of responses.

Please note, that respondents who did not respond to a question have been excluded from the results shown, which is why the base will vary for the different questions. Only valid responses are calculated within the 100% used to determine the overall result.

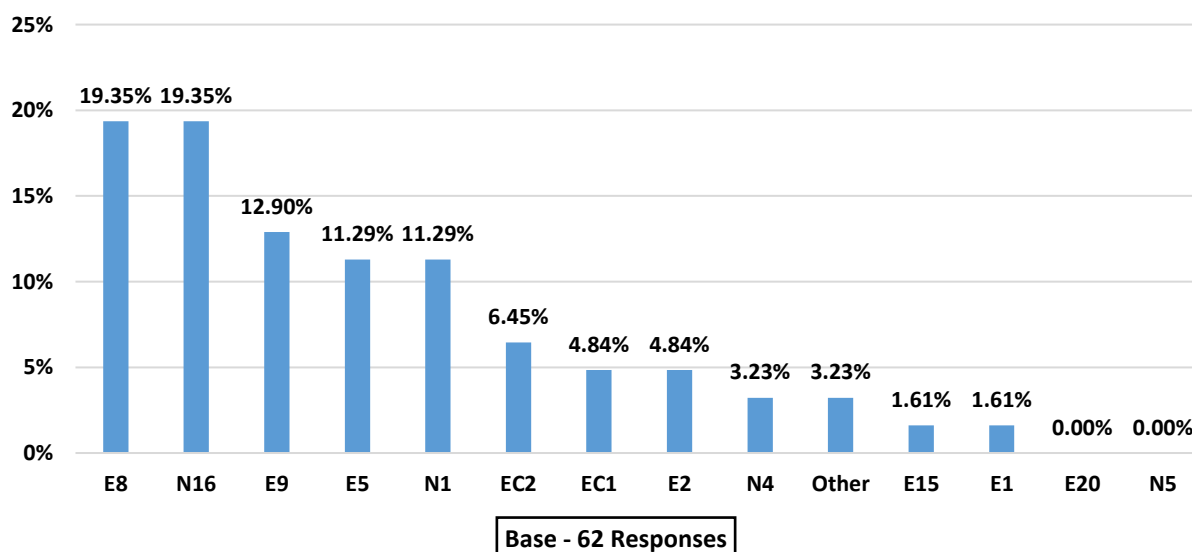
The detailed qualitative dataset (comments) will be shared with the Licencing Department.

Summary of Results



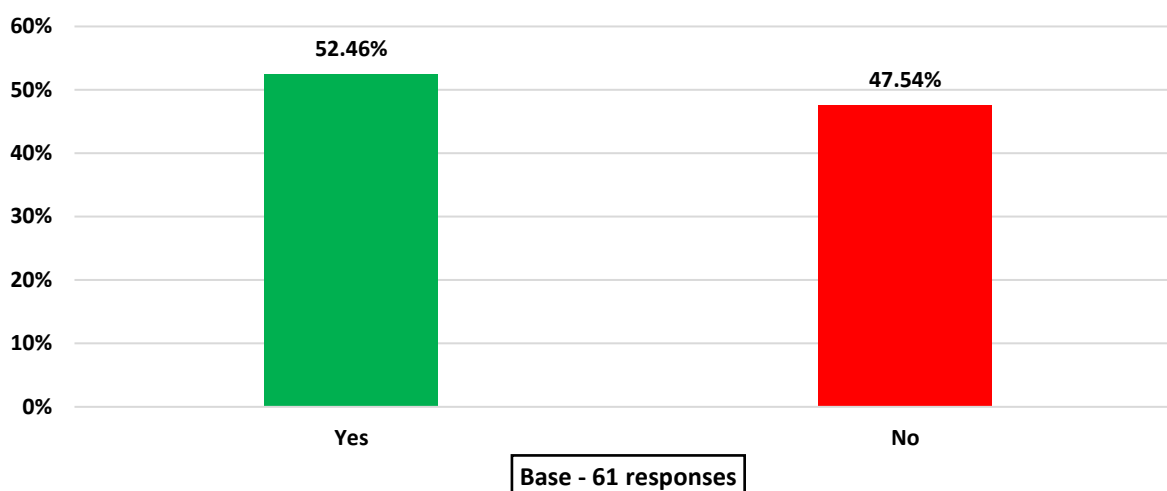
The majority of respondents were ‘Hackney residents’ (42), followed by ‘premises licence holders’ (15), ‘trade or other Hackney business’ (9) and then ‘a visitor to Hackney’ (3). Some respondents selected two options on the basis that they applied to them.

The chart below is a breakdown of the postcode areas where the respondent either lives or their business is located:



E8 (12) and N16 (12) account for the highest percentage of respondents, followed by E9 (8) and then E5 (7) and N1 (7). One respondent selected ‘Other’ and stated that they are a ‘National Trade Association’.

Do you support the introduction of a late night levy in Hackney where the income generated is focussed on reducing crime and disorder related to the late night supply of alcohol?



The chart above shows that there was a very even response with regards to this question.

Although more respondents supported the introduction of a late night levy, the percentage difference stands at 4.92% which is a very small amount between responses. There was no clear majority response for this, so it would be fair to say that there is an even mix of support and opposition for the late night levy.

Below are comments from respondents who were asked if they answered no, what do they think is the best way to pay for the cost of tackling alcohol related crime and disorder. Those who are in support accounted for 7% (2) of the comments, whereas those who opposed account for 93% (27) of the comments. This makes sense that those who are against the late night levy would be more inclined to make a comment.

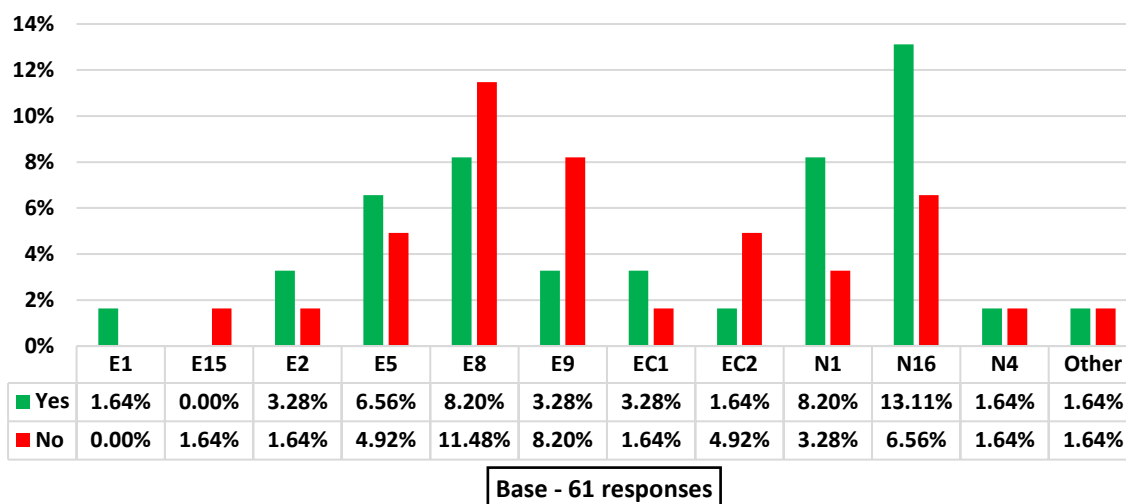
Comments from respondents who said YES (verbatim comments)

- *“I ONLY support it if most of the funds go directly in to providing FRONT LINE police or similar funds. For example, Lambeth have the Safer Lambeth Business Partnership, where each business has a radio that communicates with other businesses in the night time economy in the nearby area. But front-line police to deal with crime is the most important.”*
- *“Take away licenses, and stop handing out pop-up licenses. The late night drinking comes with too many problems such as crime and disorder in the first place. Less licenses = less cost.”*

Summary of comments from respondents who said NO (themes from responses)

- *Seems like a money making scheme. (5 comments)*
- *High costs already in Hackney, so rise of taxes is unfair. (8 comments)*
- *More control – Police Officers (2 comment)*
- *Do more to control ASB (3 comment)*
- *Not focused on venues that are food led and not alcohol led. Should consider nature of business and not make levy for everyone. (3 comments)*
- *Voluntary levy (1 comment)*
- *More working together between industry, police and Council. (2 comments)*

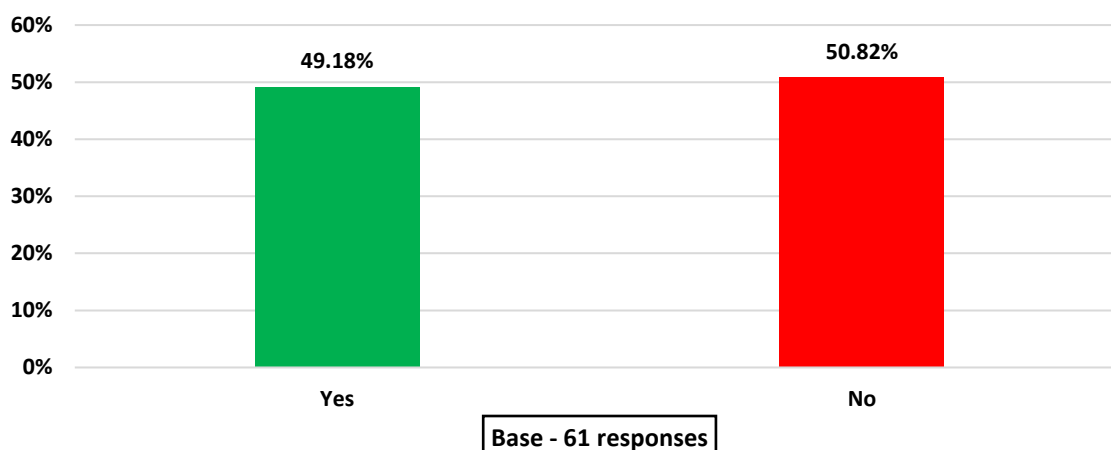
Looking at the different postcodes, we can see which areas were more supportive of the late night levy and those who were more opposed to it.



The chart above shows that N16 (8) accounted for the highest percentage of respondents who supported the late night levy. E8 (7) accounted for the highest percentage of respondents who opposed the late night levy, although those who supported it in this area were the second highest along with N1 (5).

E9 (5) had a higher percentage of respondents who opposed the late night levy, with EC2 (3) also showing the same but a smaller percentage overall.

We are proposing to introduce a late night levy for premises that supply alcohol between midnight and 6am. Do you think this is the right time period we should focus on? (Please note that the Late Night levy can only be imposed on licensed premises selling alcohol between midnight and 6am. We could propose a shorter period within these hours.)



The chart above shows that there was a very even response with regards to this question.

A smaller percentage more (1.64%) responded 'No' to this question, which then gave them the option to tell us what other time periods should be in place.

From the comments made, the following times were suggested:-

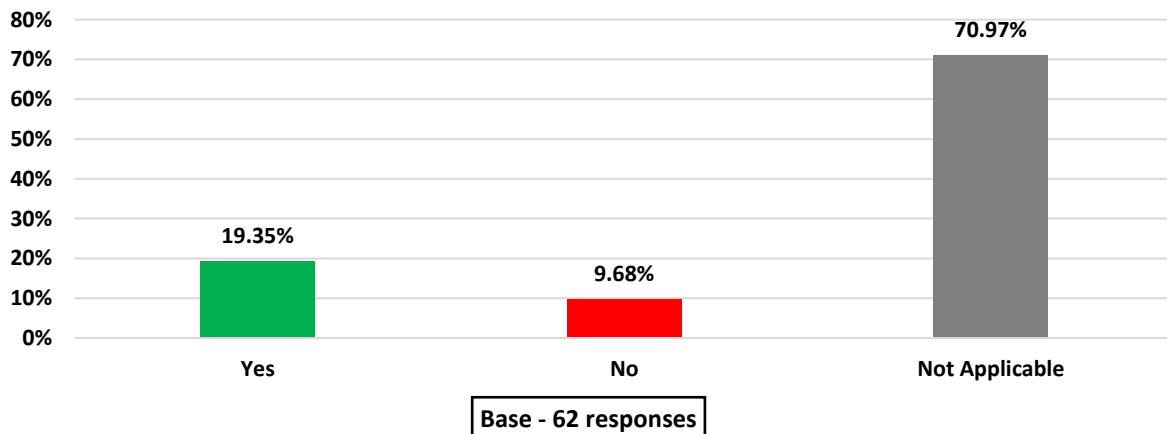
- 6pm to 6am (1 comment)

- 11pm to 6am (1 comment)
- 12am to 5am (1 comment)
- 1am to 6am (4 comments)
- 1am to 8am (1 comment)
- 2am to 5am (1 comment)
- 2am to 6am (6 comments)
- 2am onwards (3 comment)

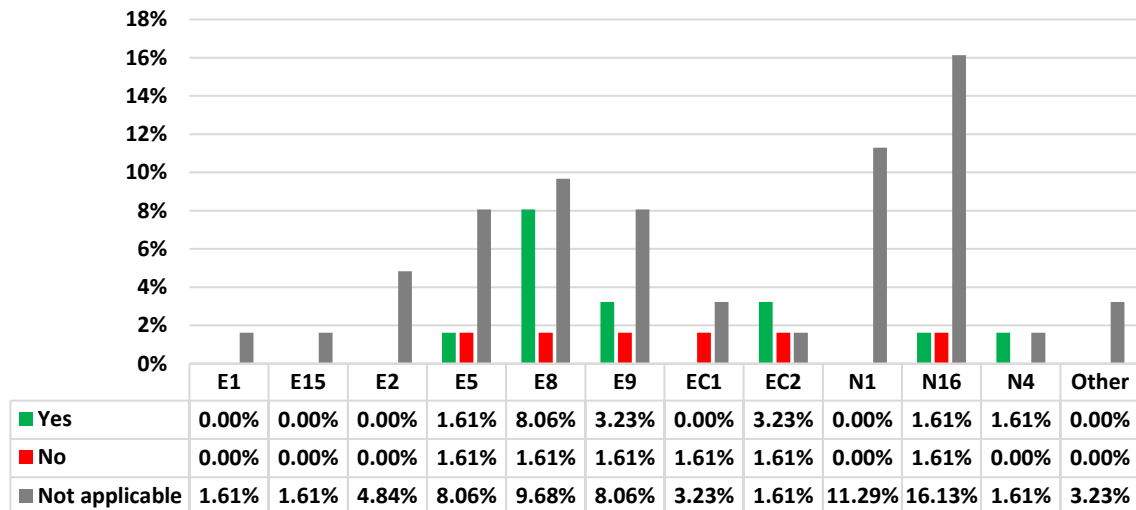
Some other comments made were based around those who opposed to the late night levy (verbatim comments):-

- *“There should be a 3rd option to this question, namely - There should be no Late Night Levy.”*
- *“The problem starts when people start consuming alcohol, and this will always be before midnight. The culprits may leave the establishments after midnight, but they will already be drunk because of what they consumed earlier in the evening.”*
- *“I think there is enough places to sell alcohol during night. Focus your ability in something else.”*
- *“We do not believe there should be a LNL in the borough. If one was to be introduced it should be evidence-based, taking into consideration the data on when disorder does take place, rather than the blanket approach of covering the entire period.”*

If you are currently licensed to sell alcohol between midnight and 6am, are you likely to change your licensed hours so that you are not liable to pay the levy?



The chart above shows that those who are currently licenced to sell alcohol between midnight and 6am are more likely to change their licenced hours so that they are not liable to pay the levy. Those who said ‘Yes’ (12) accounts for just over 19%, and those who said ‘No’ (6) accounts for just under 10%. The majority of respondents said ‘Not Applicable’ (44) for this question, which indicates that they are either not licenced to sell alcohol between midnight and 6am or they are Hackney Residents.



Base - 62 responses

Looking at the different postcodes, we can see those who responded as 'Not Applicable' covering all postcode areas. N16 (10) accounts for the majority of those respondents. E1, E15, E2, N1 and Other all stated this response, so of those who responded do not have a licence for the hours of midnight to 6am.

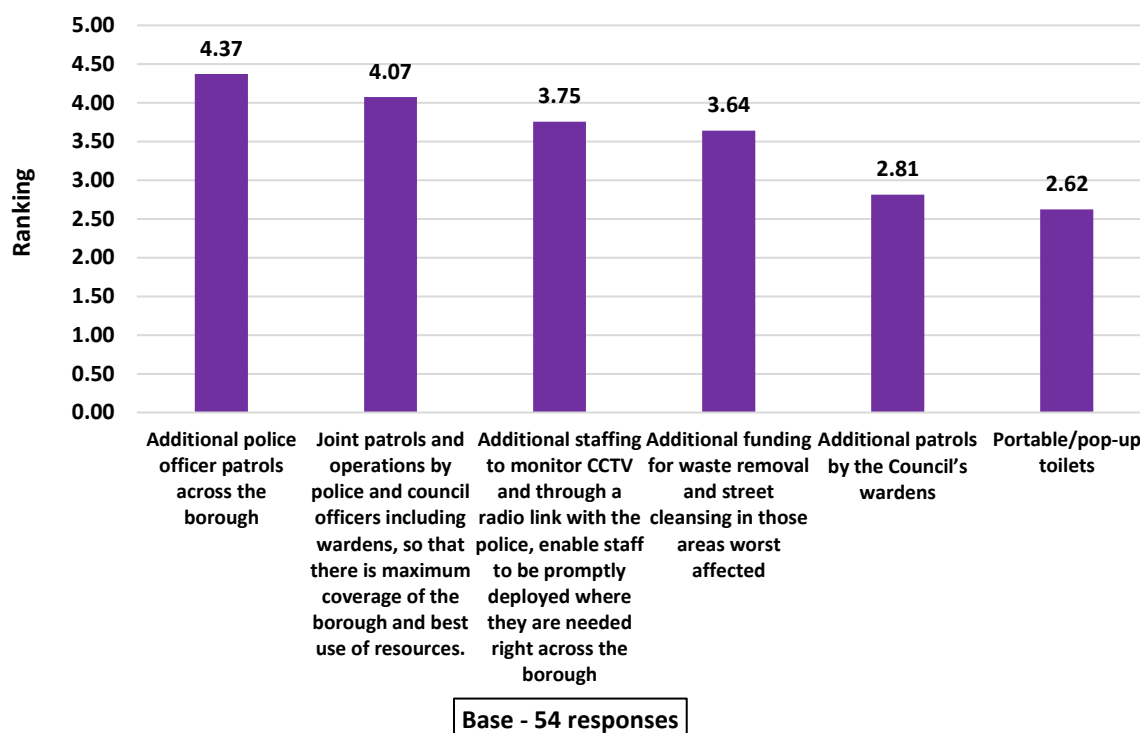
E8 (5) has the highest percentage of respondents who would change their hours, and it is clear that only a small percentage in E5, E8, E9, EC1, EC2 and N16 would not change their hours.

If an LNL is introduced, Hackney Council will be working with the Police to find the best ways to spend the revenue raised. Please indicate your preferences for how the Council and Police should spend the funds raised from the levy

This question asked respondents to indicate their preferences for how the Council and Police should spend the funds raised from the levy. Respondents were able to rank suggestions in order of priority from 1 to 6, with 1 indicating the most preferred option and 6 the least preferred option.

This question uses a ranking feature on Citizen Space. First, a weight is assigned to each possible ranking position. The weighted average score for each item is then calculated.

There were two popular options chosen for spending the money collected from the levy – 'Additional police officer patrols across the borough' and 'Joint patrols and operations by police and council officers including wardens, so that there is maximum coverage of the borough and best use of resources'. The ranking results are shown in the chart below:



Respondents were given the option for other suggestions, and the valid ones are listed below (verbatim comments):-

- *“Have the streets clean and ready before the poor daytime businesses open in the mornings”*
- *“I don’t understand why there is a delineation between day and night time businesses. Are day time businesses being asked to pay for extra street cleaning, police etc.?”*
- *“Providing somewhere for the homeless, drunk, anti-social people to go to.”*
- *“Fewer late night licences granted in the same area. Avoid more than two/three late night licences in the same streets/blocks. Ensure that premises with late night licences are scattered about the borough. Small supermarkets selling alcohol should be shut after 11pm, so no licences granted to these business. Restaurants also selling take away food should stop serving takeaway food to customers at 11pm.”*
- *“Anti-social noise and traffic enforcement as this is a huge problem in the late nights around Hackney (people speeding, excessive use of the horn) and drunk people screaming shouting and loitering.”*
- *“If joint patrols were not an option I would reorder my priorities so that 1 would be additional patrols by the police and 2 would be additional patrols by the wardens.”*
- *“Funding schemes that encourage working with the industry to promote a safer, more attractive Hackney.”*

Exemptions or Reductions

The next two questions were based on exemptions or reductions and allowed respondents to answer with their comments. The survey included the following information for respondents before answering these questions:

Local authorities may choose to exempt certain categories of premises, (e.g. country village pubs and bingo halls) or offer reductions in certain specified circumstances. Licensing authorities are not able to choose a category of premises for an exemption from the levy if it is not one of the specified categories.

We are not proposing to apply exemptions or reductions in Hackney as our data shows that the highest levels of crime and anti-social-behaviour are street based, often difficult to link to individual premises. It is therefore not appropriate to exempt categories of premises or offer reductions as all premises will benefit from the services provided. Further there are very few premises within Hackney that fall within the specified criteria that would be caught by the levy. More information on the exemption and reduction categories can be found within the Guidance issued by the Home Office: <https://www.gov.uk/government/publications/amended-latenight-levy-guidance>.

The first question asked respondents if they did not agree with their proposed approach to explain why, and a summary of the themes from the comments is below:

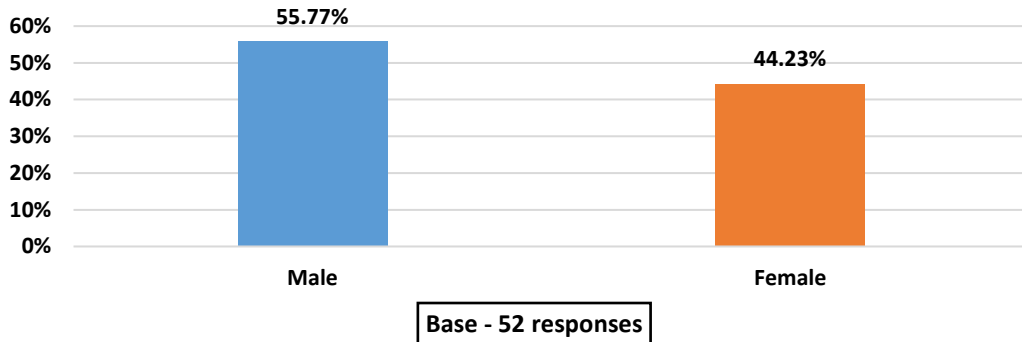
- *Will put businesses out of operation and cause them to close down, or lose revenue. (7 comments)*
- *Unfair if ASB/Crime cannot be linked to premises, as many control in their own ways to prevent such things happening. (5 comments)*
- *Unfair on premises that are not just based around alcohol, such as hotels, restaurants and cafes. They serve alcohol to their guests, being the clientele that would not go on to commit crimes. (4 comments)*
- *Noise pollution for residents (1 comment)*

The second question asked whether they have any other comments on the proposal to introduce a late night levy. A summary of the themes from the comments is below:

- *Introduce to Off-Licences as well as pubs and bars. (1 comment)*
- *Different charges based on the length of time a premises is open, e.g. smaller charge for 12am-2am and greater charge for 1am-6am. Should not all be the same for everyone. (1 comment)*
- *High costs will damage businesses and revenue. (6 comments)*
- *Every licensed premises is different. Charges should be accountable based on the type of premises it is. (1 comment)*
- *Cleanliness of the streets and areas around where residential and commercial properties are. (3 comments)*
- *Effects can have negative consequences. (1 comment)*
- *Too many places where alcohol can be obtained, so levy should apply to supermarkets and corner shops who sell between these hours. (1 comment)*
- *Funds to be spent correctly. (2 comments)*

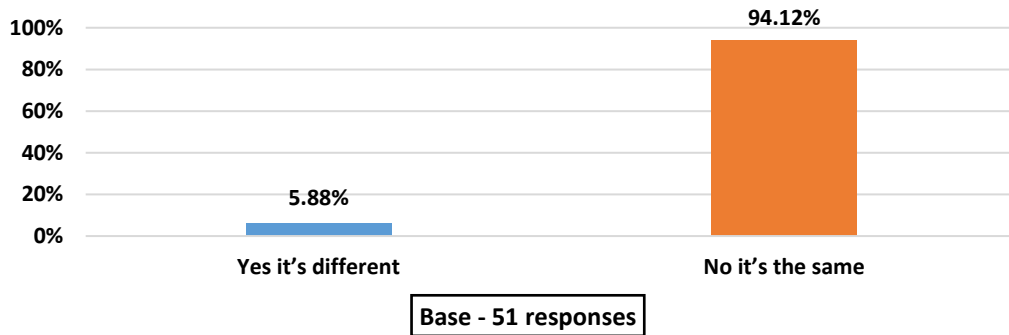
Profile of Respondents

Gender



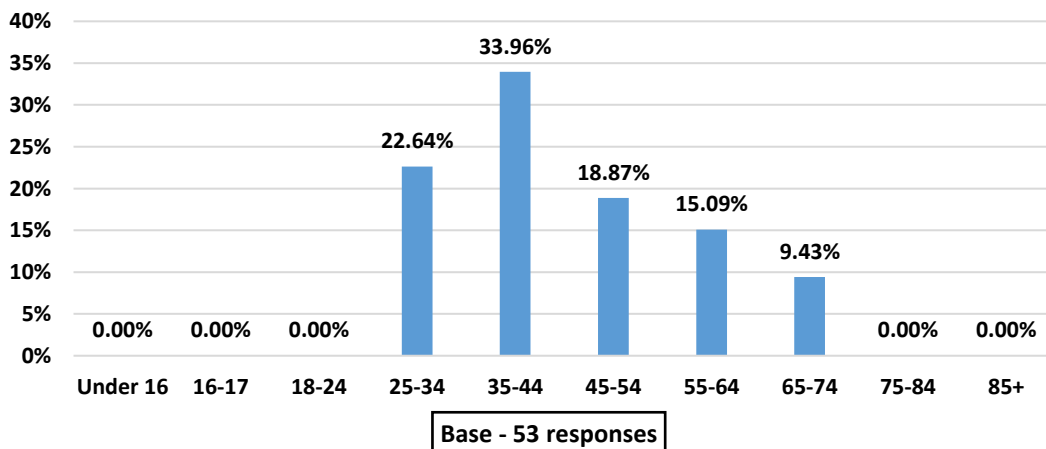
The chart above shows that more males (29) responded to the consultation than females (23). 10 respondents decided not to answer this question.

Is your gender identity different to the sex you were assumed to be at birth?



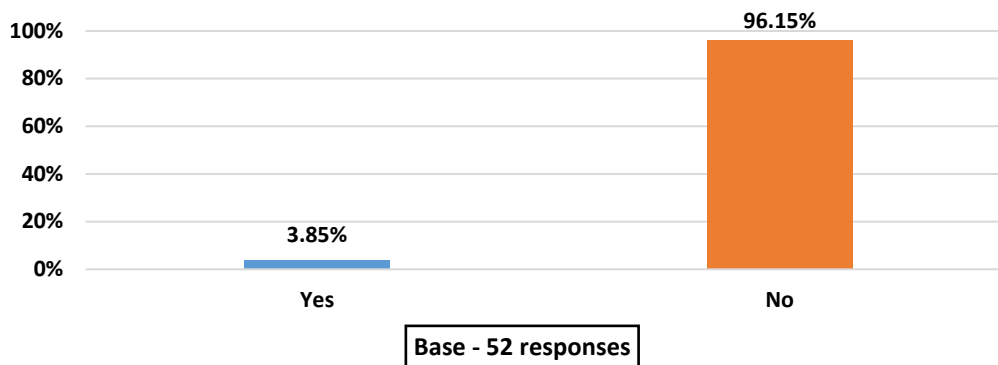
The majority of respondents stated that their gender identity was the same as it was at birth. This accounted for 94.12% (48) of responses, with 5.88% (3) saying it is different. 11 respondents decided not to answer this question.

What is your age group?



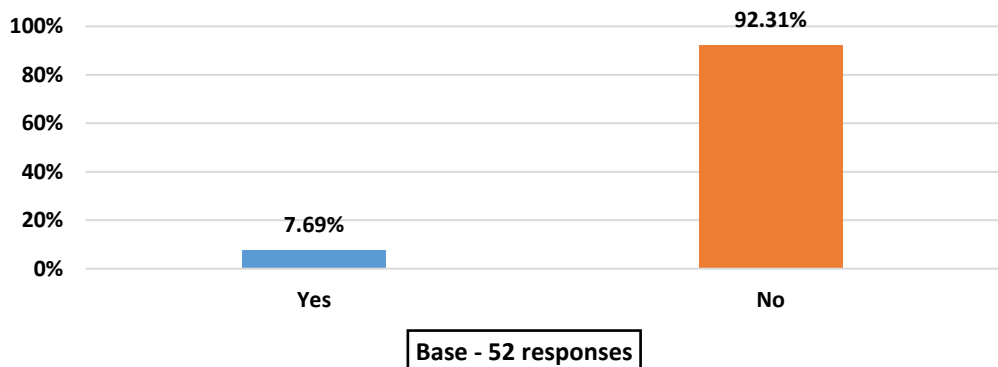
This consultation was responded to by people aged between 25 and 74. Most respondents were aged 35-44 (18), followed by 25-34 (12), 45-54 (10), 55-64 (8) and then 65-74 (5). 9 respondents decided not to answer this question.

Do you consider yourself to be disabled?



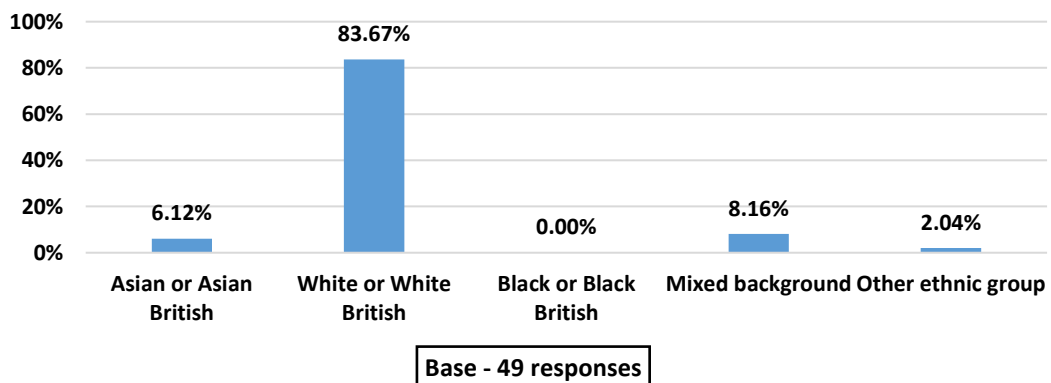
The majority of respondents stated that they did not consider themselves to be disabled. This accounted for 96.15% (50), with only 2 respondent stating that they were disabled. 10 respondents decided not to answer this question.

Do you regularly provide unpaid support caring for someone?



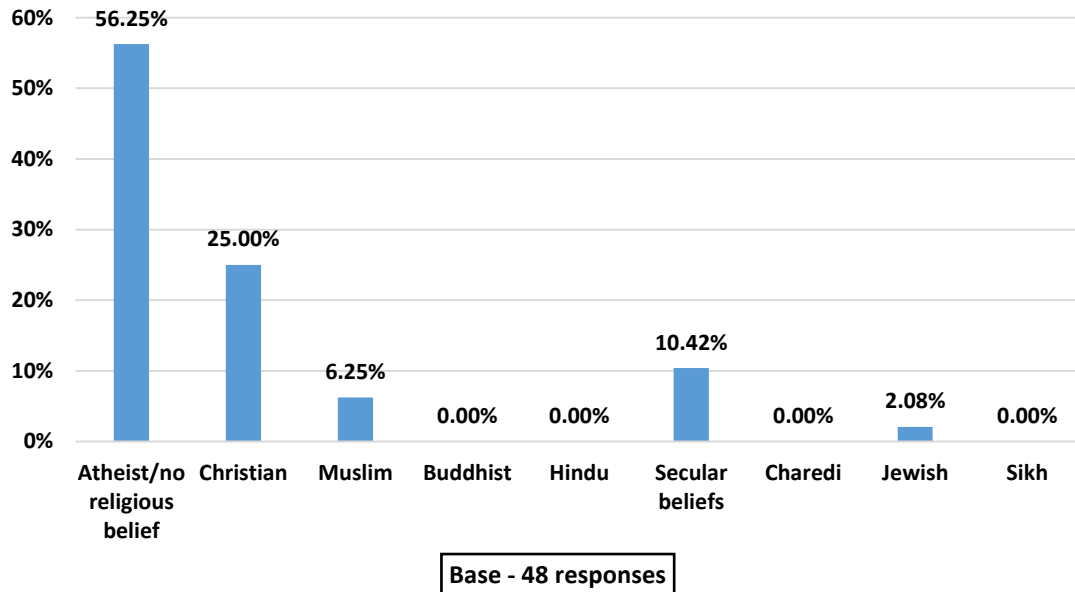
The majority of respondents stated that did not regularly provide unpaid caring support for someone. This accounted for 92.31% (48) of respondents, with 7.69% (4) stating that they did. 10 respondents decided not to answer this question.

What is your ethnicity?



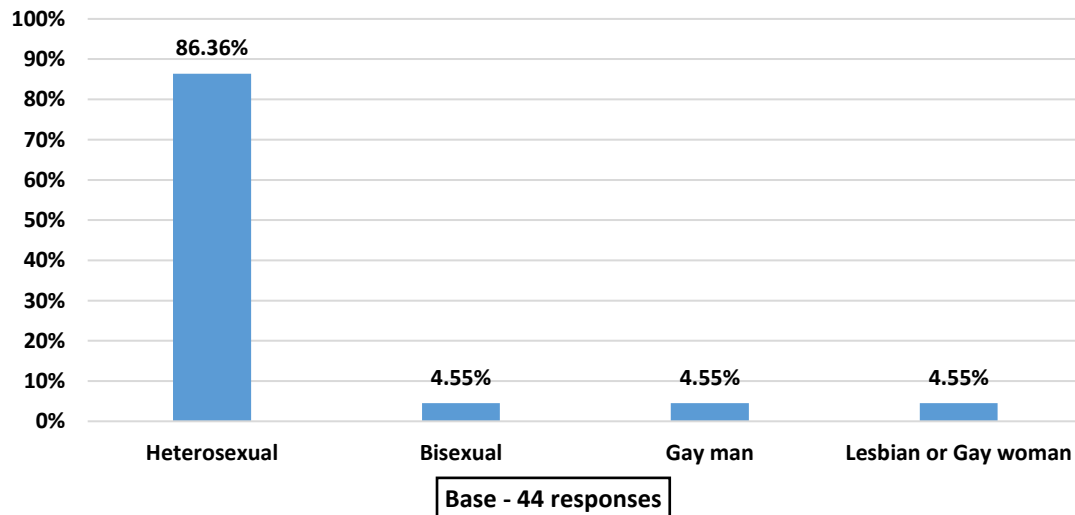
The majority of respondents stated that their ethnicity was 'White or White British'. This accounted for 83.67% (41) of respondents. 1 respondent stated an 'Other ethnic group', which they responded as Turkish. 13 respondents decided not to answer this question.

Are you or do you have any religion or belief?



The majority of respondents stated that they are 'Atheist/no religious belief'. This accounted for 56.25% (27) of respondents. Those who stated 'Christian' was the second highest at 25% (12). 14 respondents decided not to answer this question.

What is your sexual orientation?



The majority of respondents stated that they are 'Heterosexual'. This accounted for 86.36% (38) of respondents. All other sexual orientations were responded evenly by 2 respondents each. 18 respondents decided not to answer this question.

Conclusion

The overall response from respondents was slightly more in support of the late night levy, although there was no clear majority response for this, so it would be fair to say that there is an even mix of support and opposition for the late night levy.

The majority of respondents were 'Hackney residents', and of these just over 69% supported the introduction of a late night levy. This means that just under 31% of Hackney residents opposed the introduction of a late night levy.

Of the 21.74% of 'premises licence holder' respondents, just under 93% of those are opposed to the introduction of a late night levy. There is a general issue with the added costs already to their businesses, and many feel this is not something extra they want to pay for. All those who opposed also stated that they would change their licenced hours so that they are not liable to pay the levy.

Of the 13.04% of 'trade or other Hackney business' respondents, there is a fairly even mix of support and oppose. Those who support account for 44.44% (4) and those who oppose account for 55.56% (5).

N16 postcode area had the highest percentage of respondents who supported the late night levy, with E8 have the highest percentage of respondents who opposed it.

The ranking question asking respondents to indicate their preferences for how the Council and Police should spend the fund raised from the levy, clearly showed two preferred options which ranked higher than the others. These were '*Additional police officer patrols across the borough*' and '*Joint patrols and operations by police and council officers including wardens, so that there is maximum coverage of the borough and best use of resources*'. These options should be considered the most when making a final decision.

The overall response of 62 respondents accounts for just 6% of those contacted from the total of 1124, so this is a very low response rate. Premises licence holders accounts for only 1.33% of those consulted, so as stated in the 'Consultation Approach', the results should be viewed with caution.

Received	Name/ Organisation	Text
07/03/17	Ms H T V	<p>To whom it may concern.</p> <p>I have just received notice of the possible late night levy service. I would like to make it clear that I think this is a ridiculous levy. Businesses who open until late are already paying for security staff, annual license fees, on top of all the usual costs to run bars. The increase in crime around late night venues probably also correlates to the economy of the area - late night places are SEEN as making money and so a target for theft. My business is barely making enough to survive. We were burgled last week but they only got away with £250 despite causing a lot of damage. The answer however is not to tax individual businesses in this manor.</p> <p>Looking at the table, my annual fee would go from £295 to ££1554 - a huge jumo that we could not afford.</p> <p>I feel like on top of the rates increase, my business will not be able to continue - it is heart braking that all our hard work is for nothing.</p>
12/03/17	Mr M M	<p>Dear Councillors, to put it quite simply NO!</p> <p>This is a tory coalition measure that a Labour council is proposing to use, despite it's use being ineffective and driving more late business to the wall when used in other parts of the country. I see in all your Labour publications and articles how you are up in arms about the proposed business rate rises by this tory government, claiming and I agree with you how it could send businesses to the wall. Yet I feel your concern is purely partisan and hollow because not only is this rates rise going to be introduced you on top of that are going too hit the night time economy with a double whammy of a late night levy as well rather than try and mitigate the rates rise you are allegedly so against.</p> <p>Yours, in consternation Mr M. M</p>
16/03/17	Mr I K	<p>Dear sir/madam</p> <p>I am email you to give you my view on the LNL that is being planned to be introduced.I am a local supermarket in the borough and I do open late hours so I would be Effected by LNL. I believe this charge should not apply to local supermarkets like my self. As we only provide Alcohol for off-licence and people buying the alcohol from us are more people consuming the alcohol at home and do not stay around the business while consuming. therefore we are more different than clubs or bars because people do not get drunk on our sites and go outside causing problem.</p> <p>Furthermore I believe having local shops like us open late night makes the area we are in more safe as we lighten the area and have cctv more important the public know they can be safe in our stores so if they feel threaten they can go into a late night local store for safety. I believe criminals are aware of this and this stops them. I also believe local shops are an eye to the police as let police know of criminal activists and have cctv operating 24hr hours and this can be very useful. I personal experienced this many times in my store and have helped the police with very vital images in the past.</p> <p>So in a time where business is even more tough for local business I believe LNL is an unnecessary cost for us, and the income from LNL is not going to</p>

Received	Name/ Organisation	Text
		<p>improve the policing in the borough when metropolitan is cutting back so much from policing.</p> <p>I hope I have given my view in the most appropriate way and thank you for giving us the option of having a say. For your information mine and my business details are as follow.</p>
27/03/17	Mr T A	<p>Dear licencing,</p> <p>I would like to launch my objections to the introduction of the late night Levy 2017.</p> <p>I believe the fee to be excessive particularly for the size of our premises.</p> <p>I also believe the night economy would experience significant decline in the face of a weaker economy and pending Brexit.</p> <p>If such a levy were to be introduced this should be introduced after 2018/19 when businesses can assess the impact of the increase in business rates, and the economic challenges brought about by Brexit woes.</p>
10/04/17	British Beer and Pub Association	<p>The British Beer & Pub Association is the UK's leading organisation representing the brewing and pub sector. Its members account for 96 per cent of the beer brewed in the UK and own almost half of Britain's 50,000 pubs. The UK pub sector contributes over £19 billion to the economy and supports in the region of 900,000 jobs. Over 80% of pubs (i.e. nearly 40,000 outlets) are small businesses which are independently managed or run by self-employed licensees. With BBPA membership covering almost half of the pubs in the UK, we possess a wealth of experience in licensing and welcome the opportunity to respond to this consultation.</p> <p>The BBPA has produced a report¹ on Late Night Levies (LNL) that details its flaws and offers alternatives of greater viability.</p> <p>We would also highlight the recently published House of Lords committee report² regarding the Licensing Act 2003, which looked at all aspects of licensing in detail, including LNLs. The independent committee heard extensive evidence from all parties involved in the licensing system and concluded that <i>'given the weight of evidence criticising the late night levy in its current form, we believe on balance it has failed to achieve its objectives and should be abolished.'</i> The committee also acknowledged that the Government is also proposing upcoming reforms to the way the levy operates in practice. The BBPA agrees with the House of Lords recommendation that this tax should be abolished, and that Hackney should give serious consideration to both the findings of this committee and postpone any levy in the borough until a decision is made on imminent legislative changes to the LNL structure later this year.</p> <p>Do you support the introduction of a late night levy in Hackney where the income generated is focused on reducing crime and disorder related to the late night supply of alcohol?</p> <p>The BBPA is opposed the LNL as a licensing and taxation tool. This is inclusive of the updated definition of the LNL, set out in the new Modern Crime Prevention Strategy³ and proposed in the current Policing and Crime bill⁴,</p>

Received	Name/ Organisation	Text
		<p>which looks to increase levy flexibility. We therefore oppose the proposal to introduce the LNL.</p> <p>Eight local councils currently impose a LNL, with several others having consulted upon implementation. In practice it is clear that the LNL has proved unworkable. A number of fundamental flaws exist. Firstly, legislation dictates that only 30% of Levy revenue can be allocated to local councils, with at least 70% allocated to police. Resultantly businesses have paid the LNL only for police to spend the funds in other areas of their jurisdiction. The businesses paying the Levy therefore experience no direct benefits and it is clear that in such instances the Levy is merely a direct tax. The BBPA is aware that the newly proposed changes to the LNL in the Policing and Crime bill require local authorities to publish data on how funds are spent and, where a Levy is enacted, the BBPA is supportive of this.</p> <p>However the change does not detract from the fact that the spending is not business-led and sets no boundaries as to how the funds must be spent. Instead, we would recommend that a Business Improvement District (BID) is facilitated in replacement, alongside other local partnership initiatives. A BID is undoubtedly fairer as it spreads the financial burden across businesses of all types and allows for a more targeted, collaborative and business-led allocation of funds. It allows for local solutions to local problems faced by local businesses. In contrast the LNL is, in effect, a direct tax on local business and one which unfairly disadvantages pubs. Many pubs are small, independently-run businesses and the cost burden is relatively significant, especially when these businesses contribute positively to the night-time economy yet the funds collected by a LNL are not reinvested to tackle any particular problems that these small businesses face.</p> <p>BIDs have been operating across the UK for over a decade and there are over 250 BIDs now established around the country, a testament to their success. As previously mentioned, the BBPA supports the implementation of a BID, which spreads the financial burden between businesses of all kinds and allows for a more targeted and business-led reallocation of these funds. BID levy money that is raised is ring-fenced and can be used for improvements to the area as well as promotion of its attractions, which can lead to increased footfall and trade. Most importantly, businesses become active stakeholders in creating a safe, diverse and vibrant night-time economy. It is key for local authorities to understand that local businesses are not the cause of local issues but instead are both willing and able to assist in addressing these issues. Central to this theme is partnership working between all stakeholders. A number of local councils have already recognized that such partnership working, in the form of a BID, is the way forward:</p> <p>☐ Cheltenham Council is the first to repeal an established Late Night Levy in favour of a BID⁵. It follows recognition from the council that a BID will raise more revenue than a Levy whilst involving businesses as key stakeholders, and that businesses should not be unduly burdened by two levies.</p> <p>☐ A 2013 report by Bristol City Council’s Licensing Policy Scrutiny Board⁶ concluded that a BID scheme would provide for more targeted spending of funds and include businesses and stakeholders in efforts to manage the night time economy.</p> <p>☐ Leeds City Council also rejected a levy in 2013, with a report⁷ by the Scrutiny Board labelling the legislation ‘fundamentally flawed, particularly in terms of flexibility and unfair costs for some licensed premises. The same</p>

Received	Name/ Organisation	Text
		<p>report stated the Executive Board’s support for a city centre BID scheme instead, which has since been set up. It also recommended further work with the licensed trade to improve existing partnership schemes.</p> <p>Furthermore, a BID is one scheme that operates effectively within a wider framework of local partnership working. There is a range of partnership schemes which are either business-led or have significant input from businesses as key stakeholders. Pubs are particularly engaged with these schemes and actively seek to contribute towards a safer and more vibrant night time economy. The schemes use local solutions to address local issues. Whilst each scheme has a different area of focus, a combination of different schemes can often be extremely effective in helping to address any problems that an area might face, creating a safer and more appealing space for all. The BBPA is supportive of a number of schemes, including Pubwatch, Best Bar None, Purple Flag, Street Pastors, Community Alcohol Partnerships and the Proof of Age Standards Scheme (PASS). Such schemes have been recognised as beneficial by other local councils:</p> <ul style="list-style-type: none"> ☑ In October 2012 Havant Borough Council’s Licensing Committee rejected a levy, citing falling levels of alcohol crime and disorder which the police had partly attributed to the successful local Pubwatch scheme⁸. ☑ Weymouth & Portland Borough Council Licensing Committee rejected a levy in 2015, due to a lack of evidence to support the scheme. In a report providing evidence to the council, <p>Dorset police highlighted that a BID was already in place and it was supporting the local Best Bar None scheme⁹.</p> <ul style="list-style-type: none"> ☑ A Best Bar None scheme was launched in the Northamptonshire five years ago by Northampton Pubwatch with support from the Northamptonshire Police and Northampton Community Safety Partnership, to help create a safer town and recognise the pubs, bars and clubs that are working hard to reduce alcohol related disorder and promote responsible drinking. The Northampton Scheme is now in its fifth year and support for the scheme has been growing each year. ☑ Kent County Council has worked to develop a county-wide Community Alcohol Partnership (CAP) scheme across Kent covering Canterbury City Centre, Westwood Cross, Thanet and Edenbridge. An independent evaluation¹⁰ by Kent University showed significant reductions in crime and anti-social behaviour as a result of the CAP. <p>We are proposing to introduce a late night levy for premises that supply alcohol between midnight and 6am. Do you think this is the right time period we should focus on?</p> <p>We have seen with other local authorities that charging the levy between 12am and 6am has led to a vast number of local businesses enacting minor variations to scale back opening hours, unveiling a reality in which Levy revenue has fallen far short of local council predictions. Moreover, pubs form a critical part of a diverse and vibrant night time economy and many local authorities and police acknowledge that where problems exists, they are not caused by the majority of licensed premises, especially traditional public houses or pubs offering late night entertainment to adults in a well-managed and responsible environment. Pubs, in which a responsible drinking environment exists, are therefore punished and this is to the detriment of the local night-time economy as pubs choose to close earlier to</p>

Received	Name/ Organisation	Text
		<p>avoid the Levy. Such restrictions may discourage potential new businesses of all types from entering and diversifying the local night-time economy. This has further led several councils to reject the Levy on the grounds that net revenue from the Levy will be insignificant when factoring in administration and implementation costs. Cheltenham, for example, raised less than 39% of the £199,000 figure that had been predicted in the first year¹¹. They have now become the first local council to repeal the levy in favour of a Business Improvement District. A number of other councils have rejected the Levy on similar grounds:</p> <p>In Milton Keynes, despite a consultation and approval from the licensing committee, the levy was rejected by the full council for a number of reasons, including that members saw the potential of high administrative costs for minimal financial gain. In the final analysis, figures showed that the potential net profit for the council from the Levy could have been as low as £9500¹².</p> <p>☒ Warwick District Council officers produced a report in 2015 which recommended that a levy not be introduced due to limited revenue return following the time and cost of implementation¹³.</p> <p>☒ Norwich City Council’s Licensing Committee cited similar reasoning when they decided against a levy in 2012, after estimating that the revenue before administrative costs would be just £35,000.</p> <p>☒ Liverpool City Council rejected the implementation of a Levy in March 2016. One key reason was that other areas with a Levy in place had not seen the financial benefits that were anticipated. Furthermore, businesses were likely to reduce opening hours to avoid paying the Levy and potential new business may be discouraged from entering the night-time economy¹⁴. If a levy is to be implemented, it should be issued from the latest possible time so as not to unfairly punish small responsible operators such as pubs. Pubs will lose out on weekend trading hours whilst large operators such as nightclubs can easily afford to pay the levy, even though they may often be the cause of a significant proportion of alcohol-related issues. If you are currently licensed to sell alcohol between midnight and 6am, are you likely to change your licensed hours so that you are not liable to pay the levy?</p> <p>As previously stated, levies in other areas have demonstrated that most licensed premises will choose to change their licensing hours to avoid the levy, leading to the aforementioned issues. If a LNL is introduced, Hackney Council will be working with the Police to find the best ways to spend the revenue raised. Please indicate your preferences for how the Council and Police should spend the funds raised from the levy. We do not agree that a levy should be implemented. We have found that any agreement to decide on where the money is spent should include business as a key stakeholder. Indeed, many Councils who have found success in managing the night time economy have recognised that businesses are not the cause of local issues but, instead, are often the solution. A number of above examples illustrate this point. The expansion and success of local partnership schemes further illustrates that businesses are able and, more importantly, extremely willing to assist in achieving a safe and vibrant local economy. We are not proposing to apply exemptions or reductions in Hackney. If you do not agree with our approach, please explain why. We disagree with this approach. If a levy is imposed, businesses should receive reductions for participating in local Business Improvement Districts.</p>

Received	Name/ Organisation	Text				
		<p>Those businesses contributing to a BID will be paying twice to support the night-time economy. The difference in the two payments is that a LNL is and to decide where funding is allocated according to local circumstances. This is absolutely vital to a successful local strategy to tackle alcohol related issues.</p> <p>Businesses should also receive exemptions as members of local partnership schemes such as Pubwatch and Best Bar None. Participation in these schemes illustrates a willingness to engage actively in ensuring that the local night time economy is safe and vibrant. It also shows a level of responsibility as an operator, which should be recognised if they are to be taxed.</p> <p>Pubs in receipt of small business rate relief should also be exempt. Such pubs will be unfairly impacted by a Levy which is, in effect, a direct tax. The Levy charge can be relatively significant for small, independently-run businesses, who rely on tight profit margins. Moreover, pubs form a critical part of a diverse and vibrant night time economy and many local authorities and police acknowledge that where problems exists, they are not caused by the majority of licensed premises, especially traditional public houses or pubs offering late night entertainment to adults in a well-managed and responsible environment. These premises should therefore receive a complete exemption from the Levy if one is to be introduced.</p> <p>Do you have any other comments on the proposal to introduce a late night levy?</p> <p>Please see our report on alternatives to the Late Night Levy here.</p>				
15/04/17	Mr D F S	<p>Dear David Tuitt</p> <p>In response to your letter dated 3 March 2107 we object to the proposed Late Night Levy charges.</p>				
28/04/17	Whitbread PLC	<p>1. Do you support the introduction of a Late Night Levy in Hackney where the income generated is focussed on reducing crime and disorder related to the late night supply of alcohol?</p> <table border="1" data-bbox="549 1301 1305 1359"> <tr> <td data-bbox="549 1301 715 1359">YES</td> <td data-bbox="718 1301 906 1359"></td> <td data-bbox="909 1301 1098 1359">NO</td> <td data-bbox="1101 1301 1305 1359">x</td> </tr> </table> <p>If you answered no what do you think is the best way to pay for the cost of tackling alcohol related crime and disorder?</p> <p>Whitbread Plc is the UK's largest hotel, restaurant and coffee shop operator employing over 50,000 people, its major brands include Premier Inn Hotels, Costa Coffee, Beefeater Grill and Brewers Fayre amongst others. We have two hotel premises within the Borough at Dalstan Lane and East Road (E8 and N1 respectively).</p> <p>We do not see the evidence that would support the need to or desirability of, an introduction of the Late Night Levy. Our businesses are an integral part of Hackney's hospitality offer, adding to the attraction of staying within the Borough to visitors.</p> <p>Whitbread Plc through its businesses within the Borough offers employment and has invested to provide that. We are a very responsible business and we do not see why we should be required to pay more in the form of a Levy in addition to business rates, employment and corporate taxes and VAT. We would ask the Council to consider the prevailing economic conditions, which a number of commentators, including the Chancellor see as becoming more</p>	YES		NO	x
YES		NO	x			

Received	Name/ Organisation	Text
		<p>difficult, as the UK deals with leaving the European Union alongside the widening national deficit. The City of London recognises the importance of the late night economy, the Mayor of London appointing a Czar to <i>“Boost London’s flourishing cultural scene which attracts millions of international visitors each year”</i>¹.</p> <p>Amy Lane having been appointed declared <i>“for too long, the capitals night time industry has been under pressure – music venues and night clubs in particular are closing at an alarming rate”</i>. Indeed in a recent House of Lords committee report it was noted that London’s night time economy <i>“must be allowed to grow if London is continuing to prosper as a global city in the 21st century”</i>².</p> <p>On the 4th April, 2017 the House of Lords released their report on the operation of the Licensing Act 2003 following an extensive forensic analysis and hearing evidence from all sides. We are surprised and disappointed that Hackney Council has now seen fit to consider the introduction of a Late Night Levy, particularly given the recommendation from the House of Lords at page 116, paragraph 473 onwards. The report states that since the creation of Late Night Levy’s only 9 of 350 Local Authorities in England and Wales have introduced such a power. Up to 13 other consultations took place, where a Levy was not subsequently introduced.</p> <p>We would ask Hackney Council to carefully consider this information and reflect as many other Councils have done, by deciding not to introduce a Levy following this consultation.</p> <p>A number of Councils who were considering the introduction of a Levy deferred any decision to consult, until after the House of Lords Report was published. The British Beer and Pub Association concluded that Late Night Levies were, in effect, <i>“a step backwards to the previous 1964 Licensing Act ... effectively forcing pubs on masse to limit their hours to specific opening time, or be taxed to be able to open later”</i>³.</p> <p>In terms of the best way of tackling the cost of alcohol related crime and disorder we respectfully refer the Council to the following from the House of Lords Report at paragraph 487;</p> <p><i>“The Late Night Levy was introduced in large part to require businesses who would prosper from the night time economy to contribute towards the cost of policing it. Yet the evidence we have heard suggests that in practice it can be very difficult to correlate the two with any degree of precision which contributes to the impression, held by many businesses, that the Levy is</i></p>

¹ www.london.gov.uk/press-releases/mayoral/mayor-reveals-uks-first-ever-night-czar

² HOUSE OF LORDS Select Committee on the Licensing Act 2003 Report of Session 2016–17 HL Paper 146 The Licensing Act 2003:

<https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf>

³ Written evidence from the BBPA to the House of Lords Licensing Act 2003 Committee.

<https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf>

Received	Name/ Organisation	Text
		<p><i>...serving as a form of additional general taxation and is not being put towards its intended purpose”⁴.</i></p> <p>Whitbread is a company that operates hospitality across the UK and has a fundamental problem with the Levy as has been introduced by a small number of Councils. We do not believe that the Levy is an appropriate or fair way for public services to be financed which are more generally funded through national and local taxes.</p> <p>It is noted that the Borough of Hackney has over 1000 licensed premises, of those, 399 licensed premises are able to supply alcohol between midnight and 6 a.m. By targeting those businesses whose licences run after the 12 midnight imposition of the Levy there is, in our respectful view, a tax on 40% of those licensed premises whereas the other 60% (who have of course contributed to the selling of alcohol up until midnight) do not get caught by the Levy. What is more, there are unintended consequences flowing from the Levy’s blanket approach, Whitbread by Premier Inn are principally a Hotel not a late night venue and a Business in Licensing document placed before the House of Lords Committee gave an example of one Local Authority which</p> <p><i>“sought to bring in a Levy on any premises open after 1 a.m. which meant the majority of vertical drinking establishments in the town centre did not pay but the small 24 hour shop outside the town centre was hit with a Levy in excess of £1500.00”⁵.</i></p> <p>The Council should consider carefully the Home Office Guidance which states that</p> <p><i>“When considering whether to introduce Levy, Licensing Authorities should note any financial risk (for example lower than expected revenue) this rests at a local level and should be fully considered prior to the implementation”⁶</i></p> <p>The Council’s attention is particularly drawn to the meeting of Cheltenham Borough Council in February 2017 and its decision to abolish the Late Night Levy.</p>

⁴ HOUSE OF LORDS Select Committee on the Licensing Act 2003 Report of Session 2016–17 HL Paper 146 The Licensing Act 2003:
<https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf>

⁵ Written evidence from Business in Licensing in the House of Lords Licensing Act 2003 Post Legislative Scrutiny Committee.
<https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf>

⁶http://licensingresource.co.uk/sites/default/files/Late_Night_Levy_new_guidance_as_at_24_March_2015_final_.pdf

Received	Name/ Organisation	Text
		<p>There were two material factors in their decision to do so, firstly, that the Late Night Levy had not generated the monies predicted when voted in and secondly, the Council considered the existing Business Improvement District (BID) to be far more beneficial to the area.</p> <p>It has been cited that in the first year of Cheltenham Council's Late Night Levy implementation raised less than 39% of the £199,000 figure that had been predicted at its first year inception. This shortfall, must be considered by Hackney Council with concern.</p> <p>In your consultation document you cite; <i>"The Levy is paid to the Council, the key element of the Levy is the requirement that a specified proportion of at least 70% of any net revenue collected by the Council must be paid to the Police"</i>.</p> <p>Again, it should be noted from the investigations of the House of Lords Committee and in particular Cornwall Council's Authority it was <i>"unacceptable that most of the income raised would go to the Police but not necessarily ploughed back into addressing the costs arising from late night activities"</i>⁷.</p> <p>Home Office guidance from 2015 notes that while 70% of LNL funds should still be allocated to the Police there is a power available to Police and Crime Commissioners that in their discretion, and in discussion with local councils, they can hand a proportion back to the local council⁸. But the House of Lords concluded;</p> <p><i>"The default expectation remains that funds should be split on 70/30 basis between Police and Local Authorities, and only a small minority of Local Council respondents appeared to be aware of this possibility. Section 131(5) of the Police Reform and Social Responsibility Act 2011 does allow for the amendment of 70/30 split but that as so far not been used"</i>⁹.</p> <p>It is noted that in your consultation document, you indicate there would be discussions with the Police to <i>"establish exactly how this could work"</i>. <i>"The eventual percentage allocation and use of the Police income share will be agreed in negotiations with the Metropolitan Police and Mayor of London's Office for policing enquiring (MOPAC)"</i>.</p>

⁷ Written evidence from Cornwall Council Licensing Authority (IIC0069) to the Licensing Act 2003 Post Legislative Scrutiny Committee House of Lords 2017.

<https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf>

⁸ Home Office, amended guidance on the LNL (24 March 2015)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/416092/latenightlevy-newguidanceasat24March2015finaldoc.pdf (access 10th March 2017)

⁹ HOUSE OF LORDS Select Committee on the Licensing Act 2003 Report of Session 2016–17 HL Paper 146 The Licensing Act 2003:

<https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf>

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		<p>There is at present <u>no precedent</u> for a greater percentage going to the Council Authority and therefore we would respectfully suggest that the LNL will not, (using the example of Cheltenham Borough Council), produce as much funding as you hope it would to tackle the management of the late night economy in Hackney.</p> <p>The crime statistics for Hackney¹⁰ show that theft and handling is by far the most reported crime in Hackney which offers a differing perspective on the types of crime in Hackney, when considered against the managing of the late night economy.</p> <p>It is our firm belief that the problems in Hackney are best addressed by looking into further possibilities, one of which is of course Business Improvement Districts (BIDs). As stated Cheltenham has now removed the Late Night Levy it had previously adopted. Cheltenham Borough Council removed the Levy by balancing <i>“against the gains which could be achieved by the introduction of a Business Improvement District (BID).”</i></p> <p>The leader of the Council and other cabinet members took the view that the BID would have greater benefits overall for the town than the Late Night Levy could potentially achieve going forward. Furthermore, they made clear that it would have been inappropriate to charge businesses twice. Council cabinet members gave businesses the option to vote in favour of a BID which they believed would <i>“be very positive for Cheltenham, the economy to the town was very important and must be promoted, but it is not the council telling traders what is good for them, it is for the business to decide what is good for themselves and the BID gives them the mechanism to decide that”</i>¹¹. The Council also confirmed that <i>“in the BID there would be significant focus on helping the late night economy, working with Police and other partners to fund a community van for everyone’s benefits and if they want to encourage more events like comedy, music and the arts in general, working with bars and clubs.”</i></p> <p>We note that the Chairman of Gloucester’s LVA Justin Hudson said upon the proposals at that stage;</p> <p><i>“all 47 businesses in the organisation would favour BID, I would rather my members made voluntary contributions to a scheme which makes more money than begrudgingly pay Levy. The BID would be an absolute no brainer and I am confident this is what we need to do. If we had the Late Night Levy imposed upon us I would feel that I had failed as Chairman of the LVA”</i>¹²</p> <p>We note in your consultation document that you consider a possible maximum annual income of £362,085.00 from the adoption of the Late Night Levy.</p> <p>Again, we have already cited in this document the statistics on the actual return of moneys collected by Cheltenham Borough Council in its first year.</p>

¹⁰Source <https://beta.met.police.uk/stats-and-data/>

¹¹ www.john-gaunt.co.uk/news/cheltenham-late-night-levy-or-bid

¹² <http://www.gloucestershirelive.co.uk/pubs-clubs-gloucester-pay-late-night-policing/story-28893538-detail/story.html#lqTsQ30cVqPUeDt1.99>

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		<p>The precedent of other Councils and what they actually collect, does in our respectful submission bring the adoption of the Levy by Hackney Council seriously into question as a funding proposal for the management of the late night economy.</p> <p>We would urge Hackney Council to re-examine its proposal and give serious consideration to following Cheltenham Council's lead and work for an alternative funding arrangement, which could be by way of a BID with monies aimed at the night time economy. In this way, the Council would demonstrate that it is genuinely working in partnership with its local businesses, residents, the Police and other agencies to procure a safer and prosperous area. It would also confirm ownership on all those partners such that it would provide a focussed and effective mechanism.</p> <p>We strongly refer Hackney council to the conclusion on Late Night Levy's by the House of Lords Post Legislative Scrutiny Committee that;</p> <p><i>"...given the weight of evidence criticising the Late Night Levy in its current form, we believe on balance that it has failed to achieve its objectives and should be abolished¹³".</i></p> <p>2. Late Night Levy proposed times.</p> <p>We are proposing to introduce a Late Night Levy for premises to supply alcohol between midnight and 6 a.m. do you think this is the right time period we should focus on?</p> <p>(Please note that the Late Night Levy can only be imposed on licensed premises selling alcohol between midnight and 6 a.m. We could propose a shorter period within these hours)</p> <table border="1" data-bbox="549 1330 1305 1388"> <tr> <td data-bbox="549 1330 715 1388">YES</td> <td data-bbox="715 1330 906 1388"></td> <td data-bbox="906 1330 1098 1388">NO</td> <td data-bbox="1098 1330 1305 1388">x</td> </tr> </table> <p>If no which time period do you suggest?</p> <p>We cannot agree to the proposal to commence the Levy on premises open after midnight and 6 a.m. as we have no basis to agree or disagree. We note that Hackney Council is consulting on this point to residents, businesses and other interested parties without providing any evidence as to why midnight would be an appropriate time.</p> <p>We ask Hackney Council to provide details of how many premises of the 399 (it cites in its consultation document) are open significantly past the midnight time period.</p> <p>One of our premises has only a Licence until 12.30 a.m. this may be mirrored for a number of those premises that make up that 399 as detailed in your</p>	YES		NO	x
YES		NO	x			

¹³ Paragraph 502 House of Lords Licensing Act 2003 Post Legislative Scrutiny Committee Report
<https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf>

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		<p>consultation document. The amount of premises who only open just slightly after the Levy (for example by 30 minutes) could of course alter their trading hours to avoid paying the Levy completely. As such significantly affecting the proposed £362,085.00 suggested as being the total annual income produced by the implementation of the Late Night Levy in Hackney.</p> <p>3. If you are currently licensed to sell alcohol between midnight and 6 a.m. are you likely to change your licensed hours so that you are not liable to pay the Levy?</p> <table border="1" data-bbox="549 647 1385 741"> <tr> <td data-bbox="549 647 715 741">YES</td> <td data-bbox="718 647 884 741"></td> <td data-bbox="887 647 1053 741">NO</td> <td data-bbox="1056 647 1222 741"></td> <td data-bbox="1225 647 1385 741">NOT APPLICABLE</td> </tr> </table> <p>We have no comment to make in the absence by the Council as to why the Levy should start at 00:00 midnight, and our opposition is to the whole concept of the Levy being implemented in Hackney.</p> <p>4. If an LNL is introduced, Hackney Council will be working with the Police to find the best ways to spend the revenues raised.</p> <p>Please indicate your preferences for how the Council and Police should spend the funds raised from the Levy.</p> <p>We cannot comment on the indicated preferences for how the money from the Levy is to be spent by Hackney Council. We are opposed to the implementation of the Levy, we simply cite our views on the alternatives available to the Council and the restrictions (Again noted in this document) with regard to the percentage available from the Late Night Levy for the Council to spend. Referring to the case of Cheltenham it was noted to the House of Lords Committee that a BID allows <i>“any monies generated from all businesses in the area to be allocated to the areas BID believes it is necessary such as taxi marshals¹⁴”</i>.</p> <p>We believe alternatives to the Late Night Levy would allow not only a greater share of income for the Council, but also a greater share in the direction and redistribution of that money to tackling issues within Hackney, including the management of the late night economy.</p> <p>We are surprised that even though Hackney has operated a voluntary Levy which is reported to have received material benefit for the Borough, we would have expected to see clear proposals as to the way forward and we note that the proposals put forward by way of a single programme does not take into account the actual funding of that programme on the basis of the</p>	YES		NO		NOT APPLICABLE
YES		NO		NOT APPLICABLE			

¹⁴ Written evidence from Admiral (LIC0124) to the Licensing Act 2003 Post Legislative Scrutiny Committee. <https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf>

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		<p>current precedent of a 70/30 split. It is not clear as to whether the Police would agree to fund 70% of such a single scheme or whether they would merely contribute to such a scheme's cost. This it would seem places the Council at a risk of a significant shortfall in funding if the Council's prediction of £362,085.00 does not reach that level. The risk of drop out by premises by virtue of minor variation which in turn would be reflected by significantly less funds available for the Council's lead directives. It would appear that there is no information as to any agreed partnership on funding with the Police for such a scheme. We believe as an option, this places the viability of the project at risk.</p> <p>5. Exemptions or reductions.</p> <p>Local Authorities may choose to exempt certain categories of premises (e.g. country village pubs and bingo halls) or offer reductions in certain specified circumstances. Licensing Authorities are not able to choose a category of premises for an exemption from the Levy if it is not one of the specified categories.</p> <p>We are not proposing to apply exemptions or reductions in Hackney as our data shows that the highest levels of crime and anti-social behaviour are street based, often difficult to link to individual premises. It is therefore not appropriate to exempt categories of premises or offer reductions as all premises will benefit from the services provided. Further there are very few premises within Hackney that fall within the specified criteria that would be caught by the Levy. More information on exemption and reduction categories can be found with the Guidance issued by the Home Office.</p> <p>6. If you do not agree with our approach please explain why.</p> <p>We note that the Council are not proposing to exempt New Year's Eve under the regulations.</p> <p>The Council do not show any evidence to propose that crime from the night time economy on New Year's Eve is significantly greater in Hackney than any other Borough who currently adopt the Levy and exclude New Year's Eve from it. We reiterate the legislation available to exempt New Year's Eve night/day as it is celebrated throughout the country, the point of which is to celebrate beyond 12 midnight to welcome in the New Year.</p> <p>Whilst it is for others to argue their case for exemption we do not believe there are good reasons to exclude an exemption for hotels and other premises with overnight accommodation. The provision of the hotels is both employment to the area and provision of hospitality to those wishing to visit and spend money in Hackney is an important one. Hackney Council in its consultation document have already noted;</p> <p><i>"There are very few premises within Hackney that fall within the specified criteria that we caught by the Levy".</i></p> <p>Given the benefit that Whitbread Group brings to Hackney, we are dismayed that the Council would not consider our hotel and overnight accommodation offerings as being the type of minority venue (within Hackney) that should benefit from an exemption to the Late Night Levy, given the benefits clearly outweigh the negatives to the area.</p>

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		<p>As hoteliers with an international reputation we strongly refute the Council's implication, (by denying the exemption) that all late night premises contribute to the need for policing the late night economy. There would still be such a need for night policing even if there were no premises open, as policing the streets is one of the fundamental duties of the Police.</p> <p>Customers of hotels with late night licences are essentially confined within the hotel and few would venture out again once ensconced in the hotel bar. Those that might venture out would constitute such a very small minority of people on the streets that to attach the same degree of importance to raising a Levy from hotels, in our respectful submission, makes no sense.</p> <p>We bring to the attention of the Council the unintended consequences of not exempting Hotels from the Late Night Levy. If the Hotels are exempt, the guests are usually ensconced in the bar for a late night drink before retiring to their rooms. By the Council not exempting Hotels from the Levy, we are quite clear that we would apply to revert the bar to close prior to the implementation of the Levy at 12 midnight. We are sure many other Hoteliers will adopt the same approach. This will force those out of the Hotel and onto the streets to find somewhere (either a bar or a club) open to get a drink thus increasing the problems for late night management of the Hackney area and clearly the exact opposite of what is intended or desirable. We would ask the Council to strongly consider this consequence when making their decisions on exemptions.</p> <p>It is more than likely that we will reduce the licensing hours, given the amount of trade that we do, it is regarded more as a service to our clients than a profit centre late at night. Other hoteliers, are quite likely to take a similar approach. Reducing hours has an effect on employment and of course a negative effect on those employed.</p> <p>Where Late Night Levies have been introduced, Whitbread has used the free Minor Variation process to reduce the hours on all those affected so as to avoid the Levy in a number of sites.</p> <p>We do not see this as a simple solution, but the consequence impacts on many of our employees whose hours are therefore reduced and who in turn see their earnings fall. Those individuals are valuable hard working people to our business, who in turn will find it difficult to secure alternative jobs for the hours they require within the Borough of Hackney.</p> <p>7. Do you have any other comments on the proposal to introduce the Late Night Levy?</p> <p>We refer the Council to the conclusion of the House of Lords Post Legislative Scrutiny Committee on the Licensing Act 2003 Report which stated;</p> <p><u>"We welcome the initiative of Local Authorities such as Cheltenham which have abandoned the Late Night Levies in favour of Business Improvement Districts while recognising that the Local Authorities can impose Business Improvement Districts in the same way they can Late Night Levies, we recommend that other Local Authorities give serious consideration to</u></p>

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		<p><u>initiating and supporting Business Improvement Districts and other alternative initiatives¹⁵</u>.</p> <p>We would suggest there is considerable evidence for the Council to conclude that Business Improvement Districts (BIDs) can achieve similar, and indeed, often better more flexible and more innovative results than Late Night Levies, whilst also proving more acceptable to local businesses.</p> <p>Indeed, the National Association of Licensing and Enforcement Officers gave evidence that;</p> <p><i>“Levies can only be introduced after midnight but all licensed premises contribute to the late night economy and the inherent issues prior to that time.” The Association believe that “A fairer system would follows Business Improvement District (BID) schemes whereby all premises would be involved in shaping and promoting the night time economy and contributing to the process.¹⁶”</i></p> <p>We are disappointed that Hackney Council has chosen to consult on the introduction of a Late Night Levy and we feel there is very little evidence to explain or justify its implementation. We feel there has been no consideration of the prevailing conditions, recognition of the economic effect on operators and considered reasoning based on evidence upon which anybody, could make a judgment.</p> <p>We cannot stress strongly enough our absolute opposition to a Levy being applied to hotels whose licences have been granted late hours. In light of our observations and the consideration of this document, we are firmly of the opinion that the consultation should be withdrawn and the Council should reconsider its stance on the introduction of the Levy. The Council should look towards alternatives, taking into account, the very strong evidence seen in the House of Lords Report recently published. We feel the introduction of any Late Night Levy by Hackney Borough Council would be counter-productive. Firstly, to the financing of the control of the late night economy, secondly, the effectiveness of managing that economy by the Council and finally to achieving a balance for operators, the authorities, and the public and residents of Hackney itself.</p>
03/05/17	Mr J I	Dear Licensing,

¹⁵ HOUSE OF LORDS Select Committee on the Licensing Act 2003 Report of Session 2016–17 HL Paper 146 The Licensing Act 2003:
<https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf>

¹⁶ Written evidence from the National Association of Licensing and Enforcement Officers (LICO148) HOUSE OF LORDS Select Committee on the Licensing Act 2003 Report of Session 2016–17 HL Paper 146 The Licensing Act 2003:
<https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf>

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		<p>I would broadly support the introduction of a 'Late Night Levy'. These should be charged on a per licence basis not on a per premises basis to discourage the holding of multiple licences.</p> <p>Here are my observations on the specific proposals.</p> <p>The consultation summary states that the voluntary scheme currently funds patrols of Dalston but I have not seen any such in many years. Stoke Newington Road and Kingsland High St are official free zones after dark.</p> <p>It's about time there was direct supervision of obvious risks periods like the dispersals from licensed premises and the enforcement of daytime standards in the public realm.</p> <p>Fees and Banding: Restaurants should be treated on the same basis as those premises which 'primarily or exclusively sell alcohol'. This is because there are many restaurants which 'primarily or exclusively sell alcohol' after midnight - genuine restaurants don't need to serve alcohol after midnight. Some distinction should be made between genuine food outlets and operators looking for 'flexibility'.</p>
03/05/17	Punch Taverns PLC	<p>Punch is one of the UK's leading pub companies. Punch was formed in 1997 and currently has a nationwide portfolio of around 3,300 pubs.</p> <p>In the main, Punch operates a tenanted pub estate, empowering individuals and multiple premises operators to take on and run their own business, whilst providing support to our publicans wherever possible. Punch was the first Pubco in the industry to introduce an accredited Code of Practice, which was endorsed by BIIBAS (British Institute of Inn keeping, Benchmarking and Accreditation Services).</p> <p>As a high quality organisation, Punch provides their publicans with the support and expert industry knowledge needed in order to ensure the pub businesses comply with and where possible promote the licensing objectives. Punch provides a comprehensive range of business support covering everything from marketing to the legal and financial aspects of running a pub. In 2005 we took the decision to hold the premises licence for our estate. Although we do not undertake licensable activities in our leased pubs, the holding of the premises licence imposes upon our business a significant obligation in terms of licensing regulation and compliance. Corporate Social Responsibility (CSR) is embedded across many elements of our business, from corporate fund raising to responsible retailing. We have dedicated teams in place to assist in ensuring that our premises operate to the highest standards.</p> <p>As Portman Group signatories and supporters of Drinkaware we do not condone irresponsible promotions and pricing of alcohol, and we have actively supported the 'Why let good times go bad?' campaign to tackle excessive drinking amongst 18 to 25 year olds.</p> <p>Responsible retailing forms a key part of our publican training, and many of our publicans have completed our responsible retailing training. We also provide Risk Management manuals to our publicans, which give clear guidance on current legislation and best practice, backed up by the support of our Risk and Compliance Teams, who provide specialist advice and guidance. We also support the BBPA's Customer Unit Awareness Campaign,</p>

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		<p>part of the Association's contribution to the Government's Alcohol Responsibility Deal by making information and publicity available to our publicans.</p> <p>All of our publican development managers (PDM's) are trained to a minimum of BIIlevel 4 in Multiple Retail Management, which consists of eight modules including communication, negotiating, business knowledge and marketing. We believe a well-trained, talented and high performing team will help our publicans reach their potential and ensure their premises are well run.</p> <p>We believe that Punch Taverns is in a uniquely qualified position to make a valuable submission as, not only do our circa 3,300 premises cover every local authority area in England and Wales, but we also have significant experience and knowledge of the Licensing Act 2003, the Police Reform and Social Responsibility Act 2011 and associated relevant legislation.</p> <p>Please note the following: We are a local business owner Please notify us of the outcome of this consultation Please notify us of any public hearing Please notify us of the final decision made by the council</p> <p>Questions</p> <p>1. Do you support the introduction of a late night levy in Hackney where the income generated is focussed on reducing crime and disorder related to the late night supply of alcohol? No If you answered no, what do you think is the best way to pay for the cost of tackling alcohol related crime and disorder? Prevention of crime and disorder is the purview of the police force. Police forces in the United Kingdom are paid for by taxes levied against all strata of society. It is patently unfair to charge an additional tax to one section of society (premises selling alcohol after midnight) for an ill-defined problem that is not demonstrably related to the premises being required to pay the levy.</p> <p>Late Night Levy proposed times</p> <p>2. We are proposing to introduce a late night levy for premises that supply alcohol between midnight and 6am. Do you think this is the right time period we should focus on? (please note that the Late Night levy can only be imposed on licensed premises selling alcohol between midnight and 6am. We could propose a shorter period within these hours.) No</p> <p>If no, which time period do you suggest? We suggest that the Levy is patently unfair and as such should not be implemented at all.</p> <p>3. If you are currently licensed to sell alcohol between midnight and 6am, are you likely to change your licensed hours so that you are not liable to pay the levy?</p> <p>As a multiple licence holder in the Borough, we would expect a number of our premises to change their licensing hours to avoid payment of the Levy. However, until the Council determine what hours and exemptions are being</p>

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		<p>implemented (if any), we cannot give further details on the likelihood of our premises reducing their hours. We can say, however, that in other councils where a levy has been introduced, there has been something around a 50% take-up of removing hours to avoid payment of the Levy.</p> <p>4. If a LNL is introduced, Hackney Council will be working with the Police to find the best ways to spend the revenue raised. Please indicate your preferences for how the Council and Police should spend the funds raised from the levy.</p> <p>Please rank the following suggestions in order of priority from 1 to 6, with 1 indicating your most preferred option and 6 your least preferred option.</p> <p>Additional police officer patrols across the borough One Additional patrols by the Council's wardens Six Additional staffing to monitor CCTV and through a radio link with the police, enable staff to be promptly deployed where they are needed right across the borough Six Joint patrols and operations by police and council officers including wardens, so that there is maximum coverage of the borough and best use of resources. Six Additional funding for waste removal and street cleansing in those areas worst affected Six Portable/pop-up toilets Six Other, please tell us: Any money raised should be spent on additional policing on the streets and identifying and prosecuting individuals who cause the crime and disorder.</p> <p>Exemptions or reductions Local authorities may choose to exempt certain categories of premises, (e.g. country village pubs and bingo halls) or offer reductions in certain specified circumstances. Licensing authorities are not able to choose a category of premises for an exemption from the levy if it is not one of the specified categories. We are not proposing to apply exemptions or reductions in Hackney as our data shows that the highest levels of crime and anti-social-behaviour are street based, often difficult to link to individual premises. It is therefore not appropriate to exempt categories of premises or offer reductions as all premises will benefit from the services provided. Further there are very few premises within Hackney that fall within the specified criteria that would be caught by the levy. More information on the exemption and reduction categories can be found within the Guidance issued by the Home Office: https://www.gov.uk/government/publications/amended-latenight-levy-guidance</p> <p>5. If you do not agree with our approach, please explain why. In relation to exemptions, We feel that the following premises should be exempted :</p> <ul style="list-style-type: none"> • Premises with overnight accommodation (if alcohol is served to overnight guests only) • Theatre and cinemas (if alcohol is served to ticket holders to events only) • Bingo Halls • Small Business Rate Relief <p>The reason is that alcohol is provided as ancillary to the main purpose of the premises or in the case of premises receiving small business rate relief, they are likely to struggle with the burden of additional taxation.</p> <p>The other premises groups listed, we feel, should pay the Levy. Provision of alcohol in such premises is often a primary activity. These premises could</p>

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		<p>acquire an unfair competitive advantage if they were permitted to supply alcohol without being required to pay the LNL. Business Improvement Districts (BIDs) where the BID deals specifically with issues affecting the NTE are a fairer means of raising revenue than the LNL in that they engage all stakeholders. Therefore premises participating in a BID should be exempted from the LNL. New Year's Eve should be exempted from the Levy. A number of premises have NYE extensions and no other hours in the proposed levy period. To make them remove this extension and then apply for TENs is an additional administrative burden on the police, licensing authority and licence holder. Members of Business-led Best Practice Schemes that can be shown to meet a criteria for improving standards should be allowed the maximum reduction in LNL. Such schemes have an administrative and financial burden attached to reaching the qualifying standards and this needs to be recognised. If Hackney Council is committed to improving standards of premises in the borough, it will support such schemes by acknowledging the part they play in keeping the NTE safe and compliant.</p> <p>6. Do you have any other comments on the proposal to introduce a late night levy?</p> <p>We fully support the view that premises should be well run and promote the four licensing objectives. We do not however, support the view that those premises or indeed any premises should be obliged to pay a levy in addition to licensing fees, business rates and general taxation. The Licensing Act 2003 and associated relevant legislation contain sufficient safeguards and means of dealing with premises that cause or contribute to crime and disorder. It should not be forgotten that many premises that are permitted to supply alcohol beyond 00.00 will have conditions on their premises licences requiring the employment of door staff, the installation and use of a CCTV system and other such conditions that result in a one-off or on-going cost to the premises in terms of compliance. These premises, if they choose to avoid paying the late night levy, will have to continue to operate under these conditions, often added contemplating the premises trading later at night; or they will have to go through the expense of varying their licence to remove the conditions. This would not be considered part of the 'free' minor variation permitted to reduce hours. Whilst it is no doubt the case that the budgets of both the Police and the Authority are under pressure, the same applies to operators of licensed premises who pay their annual licensing renewal fee, their business rates and other taxes, staffing costs, including the implementation of the increased national minimum wage and many other costs that directly affect the ability of premises operators to remain in business. Licensed premises being required to pay another tax would be most unwelcome. For some businesses, especially within tenanted pubs, the late night levy will simply be unaffordable. Further, the Government is considering making substantial changes to the way licence fees are charged and this is likely to result in higher fees and further costs to out publicans. There is a real possibility that publicans forced to pay these additional fees will not be able to afford to do so and will lose their livelihoods as a result. As a minimum, we would suggest that Hackney postpone any implementation of a Late Night Levy until the Government has announced its plans for licensing fees. It is impossible to distinguish crime, anti-social behaviour and nuisance related to the late night supply of alcohol from any other crime, anti-social behaviour and nuisance in the borough at night. As such, it is wrong to expect premises permitted to sell alcohol after midnight to pay for a much wider problem. Evidence suggests that the best way to</p>

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		<p>tackle alcohol-related crime and anti-social behaviour is by means of targeted training and education.</p> <p>Hackney Council need to focus on an integrated plan embracing the whole of the night time economy, not simply penalising premises licensed to sell alcohol. A significant number of the issues of concern come from premises not licensed to sell alcohol, such as takeaways, transport providers and shops with late opening hours. The LNL is un-targeted, unreasonable and wholly inappropriate as a means of dealing with the problems. The key therefore is for a joined up approach to the Night Time Economy ('NTE'), not to simply charge a small proportion of those operating in it on an arbitrary basis. Specifically targeting the premises that undermine the licensing objectives is a much more effective means of dealing with the problem than potentially having smaller premises less reliant on sales of alcohol, but nonetheless currently providing that facility, pulling back their hours to avoid the Levy and leaving premises larger 'nightclub' or bar type premises as the only option for customers. An earlier levy may have the effect of undermining the diversity of premises trading past midnight. Restaurants, 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 into reducing their operating hours. The reality is that only those premises who directly benefit from the sale of alcohol after midnight would retain their permissions and pay the levy. The consequence is a less attractive NTE that will attract a less diverse group of individuals at night. 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 00.00am and 6.00am, the night time economy provides economic benefits to the City which may be lost, at least in part, on implementation of a levy. Such potential losses do not appear to have been properly considered. The recent House of Lords report following their consultation on the Licensing Act states, at paragraph 502:</p> <p><i>'Given the weight of evidence criticising the Late Night Levy in its current form, we believe on balance that it has failed to achieve its objectives, and should be abolished.'</i> If it is not to be abolished, the Committee made a number of recommendations to significantly amend the legislation and the Levy to remove some of its most glaring faults. In the light of these damning comments, it would be wholly inappropriate for Hackney Borough Council to implement a LNL in the proposed form and add a further burden to local businesses in such circumstances.</p> <p>As such, we cannot support the introduction of the Levy.</p>



ANNUAL REVIEW OF THE MEMBERS' ALLOWANCES SCHEME 2017/18

COUNCIL 26 JULY 2017	CLASSIFICATION: OPEN
WARD(S) AFFECTED ALL WARDS	
TIM SHIELDS, CHIEF EXECUTIVE	

1. Summary

- 1.1 Each year the Council is legally required to consider and agree a Members' Allowances Scheme.
- 1.2 The Council is part of joint arrangements provided by London Council's Independent Remuneration Panel. The Council has Sir Rodney Brooke CBE DL acting as independent adviser on Members' Allowances. (Sir Rodney Brooke is also Chair of London Councils Independent Remuneration Panel).
- 1.3 Sir Rodney Brooke in his review of allowances in 2015 took account of inflationary adjustments to the Scheme over the next 4 years if the Scheme remains unchanged.
- 1.4 The Scheme essentially remains unchanged from that approved by Members for 2016/17 save for the impact of any agreed national pay settlement for local government officers for 2017/18 which will be applied to the Members Allowances Scheme for 2017/18.
- 1.5 The Scheme also sets out in detail the salary sacrifice schemes open to employees that Members are also entitled to access at Paragraph 11 of Appendix 1.
- 1.6 The draft Members Allowances Scheme for 2017/18 that relates to the report and recommendations is included at Appendix 1 for Council to consider.

2. Recommendations

- 2.1 Council is recommended to agree the report and the Members Allowances Scheme for 2017/18 attached at Appendix 1.

3. Comments of the Group Director, Finance and Corporate Resources

- 3.1 The Members Allowance Scheme for 2017/18 as detailed in Appendix 1 has been updated to reflect the agreed national pay settlement for Local Government Officers for 2017/18. This report is seeking approval from Council to implement the updated scheme.
- 3.2 The Members Allowance Scheme budget for 2017/18 is £1,269k which is unchanged from last year's budget. Additional budget will be given to cover any additional expenditure in Members Allowance caused by the 1% uplift.

4. Comments of the Interim Director of Legal:

- 4.1 Section 18 of the Local Government and Housing Act 1989 permits the Secretary of State, by regulations, to make a scheme providing for the payment of a basic allowance, an attendance allowance and a special responsibility allowance to members of a local authority.
- 4.2 Section 100 of the Local Government Act 2000 permits the Secretary of State, by regulations, to provide for travelling and subsistence allowances for members of local authorities, allowances for attending conferences and meetings and reimbursement of expenses. In exercise of these powers the Secretary of State has made the Local Authorities (Members' Allowances) (England) Regulations 2003.
- 4.3 The 2003 Regulations require the Council to make a scheme before the beginning of each year for the payment of basic allowance. The scheme must also make provision for the authority's approach to special responsibility allowance, defendants' carers' allowance, travelling and subsistence allowance and co-optees' allowance. The scheme may also provide for other matters of the kind dealt with in the proposed scheme attached at appendix 1 to this report.
- 4.4 When considering the scheme, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector equality duty).

Tim Shields
Chief Executive

APPENDICES

Appendix 1: Proposed Members' Allowances Scheme for 2017/18

BACKGROUND PAPERS

No background papers have been relied upon the drafting of this report.

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Members' Allowances Scheme

1. INTRODUCTION

- 1.1 This Scheme is based on the independent report and recommendations of Sir Rodney Brooke CBE DL, Chair of London Councils Independent Remuneration Panel. The London Borough of Hackney is part of the arrangements provided by London Councils Independent Remuneration Panel that is responsible for reviewing members' allowances and developing a report and recommendations for councils to consider.
- 1.2 This Scheme has been approved by full Council of the London Borough of Hackney in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003.
- 1.3 This Scheme may be cited as the London Borough of Hackney Members' Allowances Scheme for 2017/18.
- 1.4 Before the start of each financial year, full Council shall adopt a Scheme for the payment of Basic Allowances, as required by the Regulations.
- 1.5 In addition, provision for the following allowances shall be made in accordance with the Regulations for payments of:
 - Special Responsibility Allowance;
 - Independent and Co-opted Members Allowance;
 - Independent Person Allowance;
 - Carers Allowance;
 - Maternity, Paternity and Sickness Pay;
 - Travel and Subsistence Allowance;
- 1.6 The London Borough of Hackney has also introduced specific arrangements for its Scheme to be independently reviewed on a routine basis with reference to London Councils Independent Remuneration Panel.

2. BASIC ALLOWANCE

- 2.1 A Basic Allowance is paid to all Councillors in recognition of their commitment to attend formal meetings of the Council as well as meetings with officers and constituents. The Basic Allowance is intended to cover any incidental costs which may arise, such as use of private telephones.
- 2.2 Each Councillor is entitled to claim a Basic Allowance of £10,469.19 per annum, which is payable monthly via the Council's payroll.

3. **SPECIAL RESPONSIBILITY ALLOWANCE**

3.1 A Special Responsibility Allowance (SRA) is payable in addition to the Basic Allowance to those Councillors that are given significant additional Council duties.

4. **THE ALLOWANCES**

4.1 The Basic Allowances and SRAs are as follows:-

BASIC ALLOWANCE

Basic Allowance All Councillors (except the Mayor)	£10,469.19
---	------------

SPECIAL RESPONSIBILITY ALLOWANCES

Political Roles – Majority Group

Majority Group Chair	£2,340.50
Majority Group Secretary	£2,340.50
Majority Group Whip	£5,100.50

Political Roles – Opposition Groups

First Opposition Group Leader	£12,460.46
First Opposition Group Whip	£2,340.50
Second Opposition Group Leader	£8,306.98

Panel Members

Adoption Panel Member	£2,340.50
Fostering Panel Member	£2,340.50

Committee Chairs

Chair of Audit Sub Committee	£7,556.34
Chair of Corporate Committee	£7,556.34
Chair of Licensing Committee	£16,780.65
Chair of Pensions Board	£2,340.50
Chair of Pensions Committee	£15,112.69
Chair of Planning Sub Committee	£16,780.65
Chair of Standards Committee	£2,340.50

Scrutiny

Scrutiny Commission Chairs	£13,688.58
Chair of Scrutiny Panel	£8,306.98
Vice Chair of Scrutiny Panel	£5,537.98

Speaker and Deputy Speaker

Speaker (see 4.3 below)	£18,426.93
Deputy Speaker (see 4.3 below)	£5,100.50

Mayoral Advisers

Mayoral Advisers	£15,112.69
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Cabinet Members

Cabinet Members	£34,279.82
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Deputy Mayor

Deputy Mayor	£40,668.52
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Directly Elected Mayor

Directly Elected Mayor (see 4.4 below)	£79,863.94
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- 4.2 Only one SRA may be claimed. It will be for individual Members who would otherwise qualify for more than one SRA to inform the Head of Governance & Business Intelligence which allowance they wish to claim, otherwise the highest allowance will be paid.
- 4.3 The roles of Speaker and Deputy Speaker do not attract a SRA but are covered by a separate legal regime. Schedule 2 of the Local Government Act 1972 provides that a London Borough may pay the Chair of the Council (known as the Speaker in the London Borough of Hackney) such allowances and Full Council thinks reasonable for the purpose of enabling the Chair to meet the expense of the office. There is a similar power in respect of the Vice Chair (Deputy Speaker).
- 4.4 The role of directly elected Mayor does not attract a Basic Allowance or SRA. The Mayor receives one single allowance which covers all of the responsibilities included in the role.

5. MEMBER ALLOWANCE UPLIFT

- 5.1 The Basic and Special Responsibility Allowances are normally uplifted each year in line with the Local Government Pay Settlement Pay Rate when this becomes known, and will be reviewed and approved by Full Council at the start of each municipal year.

6. **PENSIONS**

- 6.1 In accordance with legislation, since the start of the 2014-18 electoral term, Members of the Council are no longer entitled to participate in the Local Government Pension Scheme.

7. **MATERNITY, PATERNITY AND SICKNESS PAY**

- 7.1 All Members shall continue to receive their Basic Allowance in full in the case of maternity, paternity and sickness leave.
- 7.2 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in the case of maternity, paternity and sickness leave in the same way that the Council's employees enjoy such benefits. A replacement to cover the period of absence shall be appointed by Full Council, and the replacement will be entitled to claim an SRA. Where the SRA in question relates to the Cabinet, the appointment will be made by the Mayor.

8. **DEPENDENT CARERS' ALLOWANCE**

- 8.1 The Council will make reasonable payments for the reimbursement of the care of dependent relatives living with the Elected Member. Full details of the Dependent Carers' Allowance Scheme are attached at Appendix A.

9. **TRAVEL AND SUBSISTENCE ALLOWANCE**

- 9.1 The Council will provide an allowance to Members for any travel or subsistence costs incurred as a result of attending a Council Approved Duty outside of the Borough. Independent Members, Co-opted Members and the Independent Person can claim for any travel or subsistence costs associated with their Council duty. Full details of the Travel and Subsistence Allowance are attached at Appendix B.

10. **APPROVED COUNCIL DUTIES**

- 10.1 The schedule of approved Council duties can be found at Appendix C of this Scheme. Members of the Council may claim a Travel and Subsistence Allowance and/or Carers' Allowances when attending these duties.

11. **COUNCIL CYCLE SCHEME**

- 11.1 Members are entitled to join the Council's employee Cycle Scheme whereby they can choose a bicycle and equipment from an approved supplier (up to £1,000 in value) and the Council purchases it and loans it to the Member. The Member will then repay the loan from their Basic Allowance in return for the loan of the VAT free bicycle across an

agreed period. At the end of the loan period the Council may sell the bicycle to the Member at a fair market value.

12. **PART PAYMENTS**

- 12.1 In the case of Basic Allowances, Special Responsibility Allowances, Travel and Subsistence Allowance, or Dependent Carers' Allowances, payment will only be made for the period during which a person performs the duties for which these allowances are payable. Where a Member, Independent Member, Co-opted Member or Independent Person resigns or ceases to be a Member, the part of the allowance payable for the period for which they cease to be a Member, may be withheld by the Council.

13. **REPAYMENTS**

- 13.1 Where payment of any allowance has already been made in respect of any period during which the Member, Independent Member, Co-opted or Independent Person concerned ceases to be a Member, or is in any other way not entitled to receive the allowance in respect of that period, the Member, shall repay to the Council on demand such part of the allowance as relates to any such period.

14. **OPTING TO FORGO AN ALLOWANCE**

- 14.1 Basic Allowance and SRAs will be paid automatically unless notice is received in writing from the Member concerned forgoing the entitlement in whole or in part. All such notices should be sent to the Head of Governance & Business Intelligence.

15. **CLAIMS AND PAYMENT**

- 15.1 Payments in relation to Basic Allowances, SRAs, Independent Member, Co-opted Member and Independent Person allowances shall be paid in monthly instalments in accordance with this Scheme.
- 15.2 Basic, SRA, Independent Member, Co-opted Member and Independent Person allowance payments are made net of income tax and national insurance through the PAYE system used for salaried employees. Bank details are therefore required for each Member. If a Member changes their bank details, the revised details should be provided to Member Services.
- 15.3 Claims for Travel and Subsistence allowances, and Dependent Carers' allowance should be submitted no later than three months from the date that expenses are incurred. Claims must be made on the agreed claim form available from Member Services.

- 15.4 Claims will be checked on receipt by Member Services. Claims received before the 20th day of the month will be paid on or before the 15th day of the following month.

16. **ALLOWANCES FOR INDEPENDENT MEMBERS AND CO-OPTED MEMBERS**

- 16.1 The standard rate for Independent Members and Co-opted Members allowances is £113.10 per meeting. This is translated into an annual allowance by multiplying this by the anticipated number of meetings. This amount is payable to Co-opted Members on the Children and Young People Scrutiny Commission, Pensions Board, Pensions Committee and Standards Committee.

17. **THE INDEPENDENT PERSON**

- 17.1 The Council's Independent Person for ethical governance matters shall be entitled to an allowance of £455.90 per annum.

18. **CHAIR AND MEMBERS OF THE DESIGN REVIEW PANEL**

- 18.1 The Chair of the Design Review Panel shall be entitled to an allowance of £450.00 per meeting.

- 18.2 Members of the Design Review Panel shall be entitled to an allowance of £50.00 per hour, capped at £200.00 per meeting.

19. **PUBLICATION**

- 19.1 The Council is required to publish details of the Members' Allowances Scheme and the total amount received by each Member. The records must also be available for inspection by any local government elector for the authority, or by any local government elector of any principal council in whose area the authority operates.

20. **REVIEW OF THE SCHEME**

- 20.1 The Council has also introduced specific arrangements for its Scheme to be independently reviewed on an annual basis with reference to London Councils Independent Remuneration Panel.

- 20.2 Minor revisions are the responsibility of the Director of Legal Services in consultation with the Chair of the Council's Independent Remuneration Panel.

21. **QUERIES**

- 21.1 Any specific queries regarding the entitlement to the Scheme should, in the first instance, be addressed to the Head of Governance & Business Intelligence (020 8356 3418). Queries regarding the processing of

claims and payments should be addressed to the Member Services (020 8356 3373).

DEPENDENT CARERS' ALLOWANCE

1. LEGALITY

- 1.1 The Scheme is established by the Council under the Local Authorities (Members Allowances) (England) Regulations 2003. The Dependent Carers' Allowance is payable in respect of the approved duties set out in Appendix C. The Scheme requires Members claiming the allowance to demonstrate and certify that carer expenses are actually and necessarily incurred in the conduct of their official duties.

2. ENTITLEMENT

- 2.1 The Scheme provides for payments to be made to Members in respect of care for "dependent relatives" living with the Member. For the purposes of the scheme, "dependent relatives" are defined as:

- I. children aged 15 or under;
- II. relatives requiring full time care as a result of disability or infirmity.

- 2.2 Allowances are payable for care provided by carers registered by a Member with the Authority. Under no circumstances will the allowance be payable to an immediate relative of the Member.

- 2.3 For meetings or duties within the Council's boundaries, the allowance will be paid for the duration of the meeting or approved duty plus an allowance for up to one hour's travelling time before and after the meeting. For duties outside the Council's boundaries, the allowance will be paid for the duration of the duty plus the actual travelling time to and from the venue. In all instances, total time claimed should be rounded to the nearest half-hour.

3. RATES OF ALLOWANCE

- 3.1 The Dependent Carers' Allowance is set at the same level as the London Living Wage and is paid at this rate irrespective of the number of dependants.

- 3.2 Where a dependent relative requires specialist professional care, the full cost of care will be allowed, with the prior written approval of the Director of Legal Services.

4. CLAIMS PROCEDURES

- 4.1 Members wishing to apply for Dependent Carers' Allowance must submit an application form to the Head of Governance & business Intelligence, declaring that:

- (i) claims made shall only be made in respect of a named dependent relative (or relatives) as defined in the Scheme;
 - (ii) claims shall only be made in respect of the entitlements set out in paragraph 2 above;
 - (iii) receipts shall be provided in support of all claims; and
 - (iv) where a specialist professional carer is to be engaged, that this is a necessary expense for which full reimbursement will be claimed.
- 4.2 Signed applications for registration of a carer are to be submitted by Members for approval by the Director of Legal Services. Approved applications will be retained by Member Services.
- 4.3 Members are required to notify Member Services in the event of their entitlement to Dependent Carers' Allowance ending.
- 4.4 All claims will be processed through the Council's payroll system.
5. **AUDIT**
- 5.1 Internal Audit will review the systems for payment of Members' Allowances on a routine basis and include sample testing of Members' Allowances transactions in annual probity programmes.

TRAVEL AND SUBSISTENCE ALLOWANCE

1. PUBLIC TRANSPORT

- 1.1 Elected Members may claim expenses for journeys associated with an approved duty (see Appendix C) outside of the Borough. The Council will not provide an allowance for any travel within the Borough.
- 1.2 Independent Members and Co-opted Members of the Council and the Independent Person may claim for travel both inside and outside the Borough for journeys associated with an approved duty.
- 1.3 The rate must not exceed the ordinary standard class fare or any available saver fare.
- 1.4 Booking arrangements for travel outside of London must be made by Member Services to seek the most cost-effective deal within current parameters.
- 1.5 A receipt must be produced for any claim.
- 1.6 For travel within London, Members may claim for travel on an Oyster Card. To claim for travel paid for on an Oyster Card, Members must provide Member Services with a printed receipt of the journey travelled, which can be obtained from most TfL stations.

2. PRIVATE VEHICLE

- 2.1 Elected Members, Independent Members, Co-opted Members and the Independent Person may claim expenses for journeys by private vehicle associated with an approved duty outside of the Borough. The Council will not provide an allowance for any travel within the Borough.
- 2.2 An allowance of 24p per mile can be claimed for travel by motorcycle.
- 2.3 An allowance of 46.9p per mile can be claimed for travel by motor vehicle up to the first 8,500 miles annually. After the first 8,500 miles, an allowance of 13.7p per mile.
- 2.4 Members, if using a private motor vehicle, should note that the Council does not provide any insurance cover. Members should have Business Use cover as part of their policy.

3. TAXI

- 3.1 Members can claim an allowance for the amount of a taxi fare, and any reasonable gratuity, to enable them to attend an approved duty if the following exceptional circumstances and criteria apply:

- in cases of a genuine emergency;
 - when no public transport is reasonably available to travel to the approved duty;
 - for safety reasons;
 - or if there is insufficient time to travel from one approved duty to another by public transport.
- 3.2 The cost of travel by taxi must have been incurred wholly and exclusively for a Member's attendance at an approved Council duty. Taxi fares can only be claimed by Members once approved by the Corporate Director of Legal, HR and Regulatory Services.
- 3.3 A receipt must be produced for any claim.

4. **HIRED VEHICLE**

- 4.1 Other than for a taxi, Members will only be able to claim an allowance per mile as per the rates detailed in paragraph 2 above. As such, Members will be reimbursed as if they had owned the vehicle, and will not be reimbursed for the cost of hiring the vehicle.
- 4.2 A receipt must be produced for any claim by the Member who hired the vehicle.

5. **AEROPLANE**

- 5.1 Subject to prior approval by the Director of Legal Services, the cost of travel at the ordinary fare or any available cheap fare by regular air service or where no such service is available or in case of urgency the actual fare paid by the Member where the saving in time against other available means of transport is so substantial as to justify payment of the fare by that means.
- 5.2 A receipt must be produced for any claim.

6. **BICYCLE**

- 6.1 Members may claim an allowance in respect of travel by bicycle or by any other non motorised form of transport undertaken, of 20p per mile, in connection with or relating to an approved Council duty outside of the Borough.
- 6.2 Independent Members, Co-opted Members and the Independent Person may claim a cycling allowance for journeys inside and outside of the Borough.

7. **SUBSISTENCE**

7.1 The payment of subsistence allowance will only be payable to Members for approved Council duties and conferences subject to the approval of the Head of Governance & Business Intelligence.

7.2 When more than 4 hours away from normal place of residence, the repayment of subsistence allowances will be made to cover the actual cost incurred up to the following rates –

- (i) Breakfast - £5.50
- (ii) Lunch - £7.50
- (iii) Evening Meal - £10.50
- (iv) Out of pocket expenses (per night) - £4.50

7.3 Members are also entitled to overnight accommodation, if required, when attending an approved duty outside of London, subject to the approval of the Head of Governance & Business Intelligence. Member Services shall be responsible for making any bookings and will pay for the accommodation directly.

7.4 Receipts must be produced for any claim in order to be valid.

APPROVED COUNCIL DUTIES

For the purposes of the payment of Travel, Subsistence and Carers' Allowances, Approved Council duties are defined as the following official meetings set out below. For information, some outside bodies may pay an allowance to Members for their role and work on that specific outside body.

1. Appointments Committee or Sub Committees
2. Cabinet or Cabinet Sub Committees
3. Council
4. Council Joint Committee
5. Corporate Committee or Sub Committees
6. Health and Wellbeing Board
7. Joint Committee of the Six Growth Boroughs
8. Licensing Committee or Sub Committees
9. Overview and Scrutiny Commissions
10. Pensions Board
11. Pensions Committee
12. Standards Committee or Sub Committees
13. Ward Forums
14. Duties for the office of Speaker or Deputy Speaker
15. Education related meetings such as:
 - the Schools Admissions Forum
 - School Governing Bodies
 - the Standing Advisory Council for Religious Education (SACRE)
16. Hackney Homes Arms Length Management Organisation
17. Independent Statutory Panels
 - Adoption Panel
 - Fostering Panel
18. A meeting of outside bodies:
 - Abney Park Cemetery Trust
 - Agudas Israel Housing Association
 - Bangla Housing Association
 - Chats Palace Arts Centre
 - CREATE London Ltd
 - East London NHS Foundation Trust
 - Finsbury Park Trust
 - Groundwork London
 - Hackney Parish Almshouse Charity
 - Hackney CAB
 - Hackney Community Law Centre
 - Hackney Empire Ltd Board
 - Hackney Parochial Charity
 - Homerton NHS Foundation Trust
 - Hornsey Parochial Charity
 - Industrial Dwellings Society
 - Lee Valley Regional Park Authority
 - LGA General Assembly

- London Councils Executive
- London Councils Grants Committee
- London Councils Greater London Employment Forum
- London Councils Leaders' Committee
- London Councils Transport and Environment Committee
- London Housing Consortium
- London Road Safety Council
- London Youth Games
- Newable Ltd
- North London Waste Authority
- Reserve Forces and Cadets Association
- Shoreditch Town Hall Trust
- Shoreditch Trust
- South Hackney Parochial Charity
- Sun Babies Trust
- Tenants Levy Steering Group
- West Hackney Parochial Charity

19. Attendance at Conference meetings:

- London Councils
- Local Government Association

20. Attendance at any meeting which is an induction training session, seminar, presentation, or briefing arranged by Chief Officers of the Council for all members of a Committee, Sub Committee or Panel to discuss matters relevant to the discharge of the Council's functions and to which Members of more than one party Group have been invited.

21. Attendance at visits and inspection of sites and premises arranged by officers (e.g. opening of new facilities).

22. Attendance by Members who have the relevant special responsibility on matters concerning the discharge of the Council's functions.

23. Attendance before parliamentary Committees, official bodies and inquiries to give evidence or make representations on the Council's behalf.



REPORT OF THE CHIEF EXECUTIVE		
OVERVIEW AND SCRUTINY REPORT OF OVERVIEW AND SCRUTINY Overview & Scrutiny Annual Report 2016-17 Council – 26 July 2017	Classification Public	Enclosures Appendix 1 O&S annual report 2016-2017
	Ward(s) affected All	

Introduction

In accordance with Article 7.9 of the Constitution¹ Overview and Scrutiny presents an annual report of its activities to Full Council at the beginning of each municipal year.

Attached is the *Overview & Scrutiny Annual Report 2016-2017*.

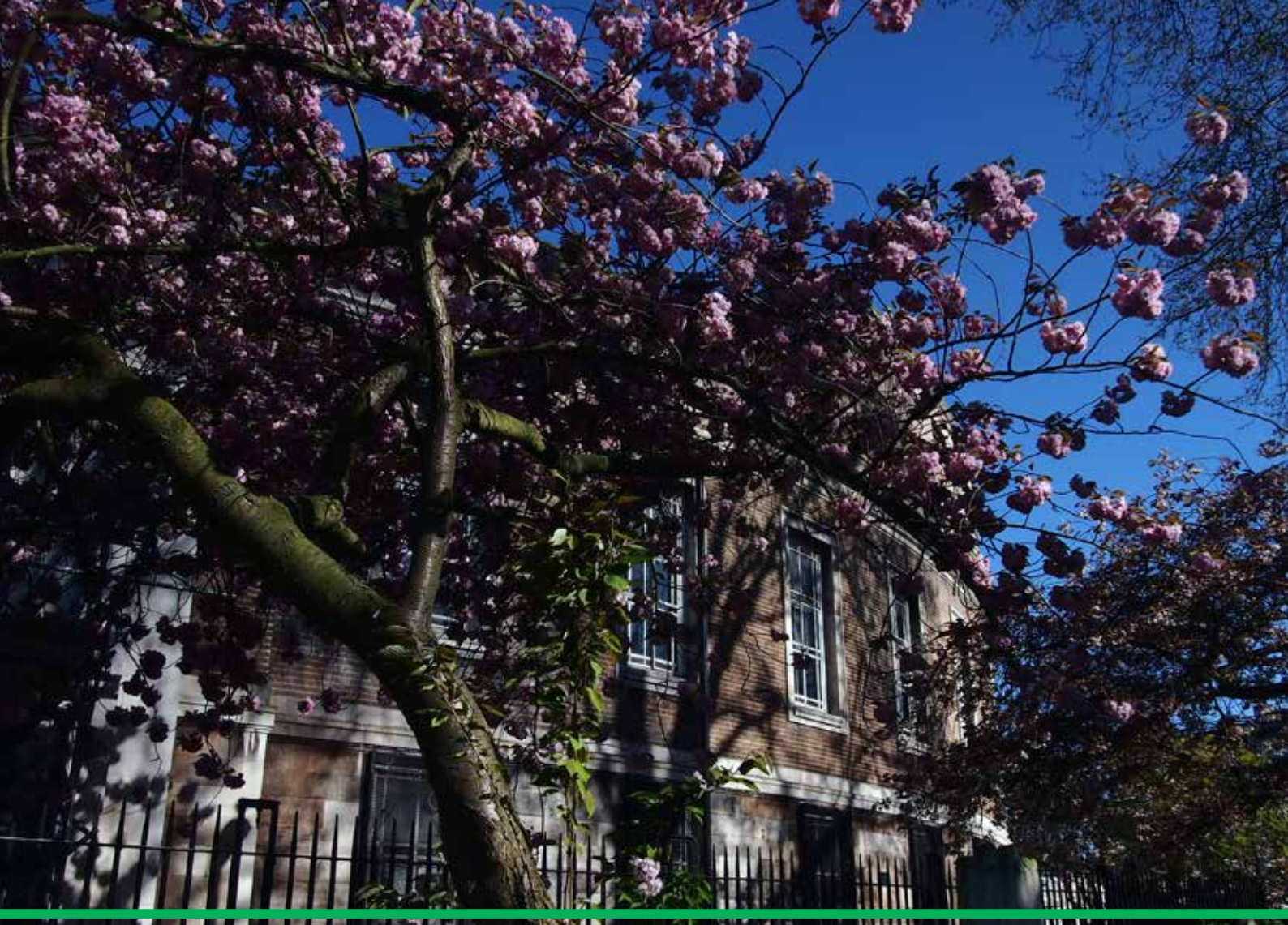
RECOMMENDATION

Council is requested to give consideration to the report.

Report originating officer: Tracey Anderson, Head of Scrutiny and Ward Forums, tel: 020 8356 3312.

¹ 7.9 It will be a role of the Overview and Scrutiny Commission Chairs to report annually to Full Council on work that the Commissions have undertaken in the previous year, and may make recommendations to Full Council to amend their working methods where appropriate.

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Overview & Scrutiny

Annual Report 2016-2017



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Foreword

Scrutiny is about holding the decision makers to account and helping develop policy. This is through in-depth reviews, evidence sessions on a topic or questions to service providers, the Cabinet members or the Mayor.

Reviews this year included “Unregistered educational settings”, “Council services for vulnerable migrants”, “End of life care”, “Air quality”, and “Commercialisation and income generation”.

The scrutiny commissions need to react to events and to a changing environment. Living in Hackney scrutinised the aftermath of flooding caused by Thames Water, Health in Hackney examined the proposals for the Homerton pathology laboratory services, Children and Young People looked at the readiness to support the new childcare entitlement and with the Governance and Resources Commission looked at temporary accommodation.

The importance of planning policy and the formal planning process was recognised. On employment both Children and Young People and Community Safety and Social Inclusion Commissions examined how planning policy could be used to create job opportunities. Health in Hackney asked how the planning process could be used to update or create new health facilities and Living in Hackney explored how the Council ensures that air quality considerations play a full part in individual planning decisions.

This year we also asked questions of ourselves and received the results of an external review of our scrutiny function. Changes were agreed for 2017/18. We will retain the Children and Young People and Health in Hackney Commissions. Living in Hackney is also retained but takes on the community safety function. A new commission called Working in Hackney has been created with a remit of prosperity of the borough and development, in particular economic development, employment and large-scale schemes.

I would like to thank all the commission members for their work and the officers who supported them.

I would also like to thank all those who generously gave their time to give evidence or to host a site visit, without which it wouldn't be possible for scrutiny to do its work.

Cllr Ann Munn

Chair of The Scrutiny Chairs' Group for 2016/17

Holding the Executive to account

The Cabinet, led by the Mayor, is responsible for making sure that people receive the services that Council has agreed. Scrutiny is responsible for ensuring the Cabinet and the Mayor do their job. The main way we do this is through the five themed Scrutiny Commissions.

These are:

1. Children and Young People (CYP)
2. Community Safety and Social Inclusion (CSSI)
3. Governance and Resources (G & R)
4. Health in Hackney (HiH)
5. Living in Hackney LiH)

The structure of the Commissions will change from 2017/18 but this report is a look back on the year 2016/17.

The Commissions look at how the Council and its partner organisations can improve the services that they provide to the people of Hackney. They are made up of Councillors who are not members of the Cabinet. Their role is to review performance and examine the decisions of the Executive from a non party-political perspective, and to conduct in-depth investigations into key issues for Hackney. They also provide advice and guidance to inform Executive decisions.

Commissions conduct investigations into areas of policy, taking into consideration the views of local people, and experts in an area. They can then recommend changes if they think that there are better ways of doing things.

Unlike the decision-making bodies, such as Cabinet and Council, Scrutiny Commissions cannot enforce their policy recommendations. Instead they help shape Executive decisions through undertaking in-depth analysis and providing clear guidance on relevant issues.

Statutory Framework for Scrutiny

Local government scrutiny was formally introduced in the Local Government Act 2000, however law affecting scrutiny goes back to the Local Government Act 1972, which established modern local government. The 2000 Act of course radically altered the way in which councils operate. The remit of local scrutiny was soon expanded to include local health care in 2001, with PCTs (now CCGs) and local hospitals being expected to engage in the process. Hackney has benefited from very positive engagement from the outset by health partners.

Between 1972 and 2000 came other Acts that are relevant to the operation of scrutiny committees including: the Local Government (Access to Information) Act 1985, Local Government and Housing Act 1989 and Data Protection Act 1998 or which are relevant to the function such as the Freedom of Information Act 2000.

Since 2000, there has been a slew of Acts, often accompanied by secondary legislation, which have gradually strengthened the powers of scrutiny, albeit in a haphazard way. The Health and Social Care Act 2001, Local Government Act 2003, Police and Justice Act 2006, the NHS Act 2006, the Local Democracy, Economic Development and Construction Act 2009 and the Health and Social Care Act 2012 have all made changes to the scrutiny process. Local Government and Public Involvement in Health Act 2007 enhanced Partnership Scrutiny powers as it increased the list of partner organisations who are required to engage with scrutiny. The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 govern how joint scrutiny is now carried out. Generally speaking however the view in Hackney has been that if a Commission has to rely on legislation to get partners to the table then the relationship has already failed.

Who decides what a Commission reviews?

Reviews may arise as a response to public interest or concern, national or local changes, or an area of service delivery that requires improvement. The Commissions consider areas for review and twice a year the Chairs and Vice Chairs of the 5 Commissions meet as The Scrutiny Chairs Group to ensure there are no overlaps in work programmes and that best practice is shared. At the beginning of the year the Scrutiny Chairs meet with Cabinet to discuss planned work programmes.

How does a Commission conduct a review?

At the start of a review we gather evidence, taking into account the views of expert witnesses, service users and other key stakeholders. Members usually visit service users or residents affected by the issue under investigation. Recommendations based on this evidence are negotiated with Cabinet Members and then the Commission agrees its Report. This is sent to Cabinet who are required to formally respond. This Executive Response is presented to a Cabinet meeting. For a selection of the reviews the report and the response are debated at Full Council.

Each Commission re-visits its reviews six months after completion in order to check progress on the implementation of the recommendations. This ensures that pressure is brought to bear on driving improvements, that scrutiny can be sure that its work has added value, and possibly identify topics for further inquiry.

The final reports of each review can be downloaded from www.hackney.gov.uk/scrutiny - or obtained from the Scrutiny Team.

The sections in this report for each Scrutiny Commission briefly summarise the reviews that have been carried out this municipal year. It is important to note that Commissions have other duties which form part of the routine business of their meetings. Health in Hackney for example receives regular updates from each

of the local NHS bodies and the Council's Adult Social Care and Public Health departments and has to respond to local health issues which arise. CSSI has a duty to scrutinise updates to the Community Safety Plan and the effectiveness of the local Community Safety Partnership and CYP monitors the statutory plans in its area. Both HiH and CYP receive formal updates on the work of the Adult and Children's Safeguarding Boards respectively.

While the effectiveness of scrutiny can be measured by how many of its suggestions and recommendations get implemented it also has a broader and ongoing impact, in that often ideas first developed in scrutiny can prompt policy developments down the line. Also by casting a spotlight on particular areas Scrutiny often acts as a catalyst for change both within the Council and its partner organisations. In this way, while Scrutiny has no executive power it has influence.

Cabinet Question Time

Following the format in central government of ministerial appearances before Select Committees, the Mayor and each Cabinet Member take it in turns to appear before the relevant Scrutiny Commission. To make it manageable it is arranged that the questioning focuses on key areas within their portfolio, which would be agreed with them in advance.

The aim here is to provide a 'critical friend' challenge to services, addressing issues of public concern and any deteriorations in performance and to enable the Mayor and Cabinet Members to demonstrate transparency and accountability in public for the performance of services within their portfolios.

This approach allows performance and budget data and other insight to be used to hold the portfolio holder to account whilst all the time focusing on the bigger picture. Cabinet Question Time with the Mayor is carried out by the Scrutiny Chairs Group twice a year. There will be a revised format for this in the new structure.

Budget Scrutiny

Scrutiny of the Council's budget and financial planning has been done up to now by a mixture of Governance and Resources Scrutiny Commission and various themed Budget Scrutiny Panels allowing backbencher input on a regular basis to the budget planning cycle.

Community Safety and CYP Scrutiny

The Council has a statutory duty to scrutinise the local Community Safety Plan. In Hackney that Plan is the responsibility of the Community

Safety Partnership and the scrutiny of it is delegated to CSSI Scrutiny Commission.

Children and Young People Scrutiny Commission also has a statutory duty to include on it voting co-optees from the Church of England, the Roman Catholic Church and two Parent Governor representatives. In addition, Hackney itself has decided to also have non-voting co-optees from the Orthodox Jewish, Muslim, and Free Churches' faith groups, as well as a representative from the Hackney School Governors Association and up to 5 representatives from the Hackney Youth Parliament.

CALLING TO ACCOUNT

Call-In

'Call-in' is a tool to temporarily freeze a decision that has been taken by the Cabinet but not yet implemented, to allow for further consideration. To do this, **five** councillors have to sign a request that a decision be called in, if they believe it does not meet the Council's 'Principles of decision-making' as set out in the Constitution. The relevant Scrutiny Commission then holds a special hearing to decide whether the decision should be referred back to Cabinet, discussed further at Full Council, or upheld. The two most recent uses of this power were in 2008 and 2010.

Councillor Call for Action

CCfA enables any Member to ask Overview and Scrutiny to investigate an issue affecting their ward, particularly issues that remain unresolved despite all efforts to get them fixed. Overview and Scrutiny can then choose to take-up the issue, investigate it thoroughly, and make recommendations to the relevant decision-makers. This was introduced because some councils were obviously not considered to be sufficiently responsive. In Hackney it hasn't been used to date as existing mechanisms have enabled issues to be raised by members of the public through ward

members or at a scrutiny commission. CCfAs are generally a last resort mechanism if other avenues, such as the Member Enquiry process, have been exhausted.

Petitions

The Council's constitution includes various powers in relation to residents running petitions. These include opportunities for groups of local people to trigger 'Petitions for Debate' at Full Council, or to hold an Officer to account. The former requires **750** signatures from across the borough. Alternatively, if a petition has received **250** signatures from a single ward, it could be scheduled for debate at the relevant Ward Forum.

A 'Petition to hold an officer to account' would trigger an open meeting of the Scrutiny Commission at which a named senior officer would be called to answer questions about the subject of the petition. **500** signatures are needed for this process. Scrutiny Members would ask the questions at this meeting, but petitioners could suggest questions to the Chair by contacting them or the Overview and Scrutiny team up to three working days before the meeting.

General Exception and Special Urgency

The key executive decisions in the Council are usually taken at the monthly meetings of Cabinet or its Cabinet Procurement Committee. To ensure the decision taken is lawful at least 28 days before the decision is to be taken details must be listed in the 'Executive Meetings and Key Decisions Notice' which is published monthly. Where this has not been possible a **General Exception Notice** must be

issued and the Chair of the relevant Scrutiny Commission notified. Additionally if the agenda has been published and a decision must be taken which has not been notified and cannot wait until the next meeting this will require the publication of a **Special Urgency Notice** and the approval of the Scrutiny Commission Chair. The Mayor is required to report to full Council on a quarterly basis any use of the Special Urgency Procedure.

Lifecycle of a Review – a brief guide

Our Scrutiny Reviews generally follow the following format:

Suggesting the topic

Suggestions come from a variety of sources such as: Members own areas of interest, residents' surveys, performance data, ideas from Hackney Youth Parliament and suggestions from the Cabinet & Corporate Directors. The scrutiny officer will advise on the Commission's capacity and the scale of work which can be tackled.

Drafting the Terms of Reference

This uses comments from the first scoping meeting, desk research by the scrutiny officer and suggestions by the relevant Cabinet Members, Directors and stakeholders.

Gathering evidence

Information is sought from as wide a variety of stakeholders as is possible in order to ensure a wide range of perspectives. This often includes site visits, which are suggested at the scoping stage. Importantly, not all evidence is discussed at commission meetings but it will be referenced or linked to in the final report.



Agreeing recommendations

By their very nature proposals can arise throughout the course of the review. These are recorded and the scrutiny officer will research their viability. The Commission will usually agree the broad recommendation at the review's final meeting and these are then refined whilst the report is produced.

Drafting the report

The report draws together the findings and the officer makes sure that all perspectives that were shared are included. The Chair and scrutiny officer then meet with the relevant Cabinet Member/Director to discuss what will be in the report. This helps to provide reassurance that the recommendations are feasible, but it usually does not alter the main thrust of the recommendations which the Members wish to make.

Final report

The evidence used to support the findings and recommendations is summarised but for brevity all evidence taken is not repeated again in the report. Links are added to the relevant agendas and minutes for the source material.

Agreeing the report

The draft report is published in an agenda when it first goes in the public domain. This is formally agreed and the report is sent to Cabinet for an 'Executive Response'. Within 1 to 3 months the response, in the name of the relevant Lead Cabinet Member, is produced and agreed at Cabinet. This returns to the Commission where comments can be made and for some reviews, the Report and the Response are discussed as an item at a meeting of Full Council.

6 month update

At an appropriate stage, usually about 6 months after the recommendations and response have been discussed at Cabinet, the Commission receives an update about the implementation of the recommendations and they can then take a variety of actions if they are dissatisfied with the progress.

Children and Young People Scrutiny Commission



Chair
**Councillor
Christopher
Kennedy**



Vice Chair
**Councillor
Margaret
Gordon**

Unregistered educational settings

For some time the Commission has had concerns about unregistered educational settings in the borough. These are the yeshivas to which the Charedi community traditionally send their teenage boys. The crux of the issue is around the definition of a school and of parents' long established rights to home schooling versus the legal duties placed on the Council in relation to safeguarding etc.

This issue attracted national media attention when The Independent newspaper ran stories about what they described as "ultra-Orthodox Jewish faith schools at which boys are placed from the age of 13, and where they receive no education beyond studying religious texts". They also expressed concern that a number of pupils left these schools with little or no ability to speak English and few qualifications or skills which would equip them to work, or live independently. Estimates of the numbers involved suggested 29-35 unregistered settings involving up to 1500 pupils.

The Council has a responsibility to safeguard all children in the borough, however it has limited powers in that it alone cannot regulate and enforce safeguarding standards in unregistered educational settings. Its role is to identify such settings and refer these to the DfE who in turn have the power to instruct Ofsted to carry out an investigation. The Council also has a legal

duty to establish the identities of children in their area who are not registered pupils at a school and who are not receiving suitable education.

We heard from Children's Services in the Council, the City and Hackney Safeguarding Children's Board, Hackney Learning Trust, Ofsted, Hackney Fire Service, the LBH Planning Service, the Interlink Foundation, representatives of Charedi schools as well as senior Rabbis and community leaders. Our aim was to explore what solutions might be possible in order to resolve the current impasse between the various educational authorities, regulators and our local Charedi community.

We sought to address the loopholes and limitations of the current powers as they impact on safeguarding, planning and fire services and whether the co-ordination of inspection and enforcement between these agencies is sufficient. We looked at how the Stamford Hill Local Area Action Plan might have some currency here because of its focus not just on planning but on youth employment and skills. We looked at the potential of arranging apprenticeships at local colleges to enhance the educational offer to boys at unregistered settings and we examined best practice elsewhere such as a registered Yeshiva in Gateshead for over 16s which seems to have settled some of these issues.

At the time of going to print our recommendations are going through the process of being agreed.

Childcare – 30 hour free entitlement

At the end of the year we returned to a format we had previously used called Scrutiny in a Day. This is when we focus our evidence gathering and visits for a focussed review of a topic which we complete over one, very full, day.

We decided to focus on the introduction of the 30 hour free childcare entitlement for 3 and 4 year olds, which is due to be implemented in September 2017. The aim was to assess the

London Authority (GLA). This also allowed us to gain an overview of the national policy framework and the statutory requirements and duties of local authorities in the provision of childcare and to identify key challenges for the delivery of the 30 hour free childcare offer.

We also visited Clapton Park Children’s Centre, Belz Nursery School and Tyssen Primary School and ended the day with an evening meeting at Urswick School to decide on conclusions and recommendations.

In our recommendations we suggested that as a priority, the Council should renew its focus on increasing uptake of the free 15 hour entitlement to disadvantaged 2 year olds. It



nature and level of childcare provided in Hackney, and readiness of the Council and local childcare sector to support the introduction of the free 30 hour entitlement.

We wanted to assess the impact of the 30 hour free entitlement in relation to take up, sufficiency, quality, cost and access. We took evidence on local policy and practice from Hackney Learning Trust, private, voluntary and independent (PVI) childcare providers, Children’s Centres and childminders.

We looked at best practice elsewhere with the help of the National Day Nurseries Association, The Family and Childcare Trust and the Greater

should work with the GLA and other partners to assist in this aim. As the introduction of the 30 hour free entitlement may impact on the financial viability of some childcare settings, in both the short and medium term, we’re suggesting the Council should also extend business modelling support to help maintain stability in the sector.

Given that the introduction of the free 30 hour entitlement may also adversely impact the level and range of childcare services locally, we think the Council should continue to support Local Childcare Partnerships that can help maintain and improve local childcare offer to

parents. We suggest that the Council should also undertake further assessments on the sufficiency of local provision, ideally before the end of April 2018, as it feels that assessed capacity in the system may not actually result in additional places being added to meet demands for 30 hour free childcare. We asked that an Annual Childcare Sufficiency Assessment should be brought to scrutiny alongside the school places planning data.

Finally, we're asking that the way that children with SEN are supported in early years and childcare settings should be reviewed to develop more timely access to support services.

Careers guidance advice and information

Responsibility for this has moved from the local authority to individual schools and so we examined how the Council supports schools in this role. Whilst schools continue to provide careers education, careers guidance is now commissioned centrally and provided through Prospects, who provide careers guidance interviews as well as more specialist careers advice and support.

We learnt that the Hackney Learning Trust has established a Hackney Careers Collaborative, which currently comprises 11 secondary schools and supports them with such things as Career Open Days and training days. The Collaborative also supports dedicated careers guidance teachers in each school. They are working towards including all secondary schools in this initiative.

We examined current practice on work placements and support for children and parents in finding placements. We heard that whilst there is no longer a statutory duty for schools to provide a work placement in Year 10, it's a compulsory part of the study programme for 16-19 year olds. We noted that there are now a number of varying formats for work placements rather than the traditional 2 week placement, and these include shorter weekly placements, visits to the school by employers and summer placements

We concluded that whilst schools were responsible for careers education, the local authority still had a vital role in identifying and prioritising work and training opportunities available to young people as schools did not always have the capacity or expertise to undertake this.

Other work

As part of our regular duties we kept an eye on **school attainments and performance**. We considered **the annual update on school admissions, the Children's Social Care Bi-Annual Report** and the **annual update from City and Hackney Safeguarding Children Board**.

We also had a full **Cabinet Question Time** session with Cllr Bramble holding her to account on the possible formation of a Hackney Multi-Academy Trust and on Looked After Children leaving care. We questioned her about the new funding challenges thrown up by government policy and how it may lead to the fragmentation of the local schools sector and restrict the role of the local authority in ensuring that all young people continue to have access to best learning and educational opportunities available.

We learned that there are between 350-375 children in the care of the Council and just under 50 young men and women known to the leaving care team had become parents. We learnt that the Children's Social Care team operate a number of projects to support young people leaving care and to enable them to form healthy and positive relationships. The Family Nurse Partnership and Anna Freud Centre have seen good outcomes in their work in supporting young mothers who have left the care of the authority.



Members of Children and Young People Scrutiny Commission 2016/17

Members: Cllr Christopher Kennedy (Chair), Cllr Margaret Gordon (Vice-Chair), Cllr Sophie Conway, Cllr Tom Ebbutt, Cllr Abraham Jacobson, Cllr Yvonne Maxwell, Cllr Patrick Moûle, Cllr Emma Plouviez, Cllr Tom Rahilly and Cllr M Can Ozsen

Co-optees:

Rabbi Judah Baumgarten *Orthodox Jewish faith representative*

Richard Brown *Church of England faith representative*

Jane Heffernan *Roman Catholic Westminster Diocesan Schools Commission faith representative*

Jo Macleod *Hackney School Governors Association representative*

Sevdie Sali Ali *Parent Governor representative*

Shuja Shaikh *North London Muslim Community Centre faith representative*

Ernell Watson *Free Churches Group faith representative*

The co-opted members from Hackney Youth Parliament for the year were: Louis Comach, Skye Fitzgerald McShane, Kairi Weekes-Sanderson and Maryam Mohammed

In June Cllr Jon Burke and Cllr Caroline Selman were appointed to the Commission. Following a reshuffle after the Mayoral election both joined the Cabinet in October and Cllrs Maxwell and Plouviez joined the Commission to fill the vacancies. Cllrs Coban and Peters also left the Commission during the year

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Community Safety and Social Inclusion Scrutiny Commission



Chair
Councillor
Sade
Etti



Vice Chair
Councillor
Richard
Lufkin

Council services for vulnerable migrants

For our main review this year we decided to look at a very cross cutting and therefore easy to overlook issue – the accessibility, visibility and reach of Council services for vulnerable migrants.

We took Scrutiny out into the community, with Commission Members hearing evidence at community settings such as HCVS, Alevi Centre and heard evidence from representatives from a neighbouring borough.

We started by hearing the perspectives of the community groups that work with vulnerable migrants through a roundtable discussion, and also heard directly from vulnerable migrants before inviting services to present evidence. This allowed the review to be framed and led by the lived experience of vulnerable migrants, rather than being framed by the way Council services are set up or structured.

There are recommendations for the way the Council works, for example revisiting the way we work in partnership with community



A volunteer at Hackney Migrant Centre working with clients. Photo: Hackney Migrant Centre

organisations, the way we reach and engage vulnerable migrants and training for Council staff. There are also specific recommendations relating to language barriers for some residents who have lived in the borough for over 25 years.

During the course of the review, Government launched a new programme to support migrants; although it is called the Controlling Migration Fund the focus of the funding is on integration and Hackney was successful in attracting funding in the first round of bidding. The Commission's recommendations will therefore directly inform and influence the new ways of reaching, engaging and supporting migrants which will be developed through this funded programme.

Budget Scrutiny – demand led services and promoting channel shift

As part of the Commission's budget scrutiny work we considered over two meetings briefings about how the council is promoting 'channel shift' in its demand led services i.e. encouraging customers to switch to online services, the migration of services online being a key factor in meeting cost savings targets. We looked at Parking as an example of a service that has seen a marked increase in the take up of online services since it was made much easier to access online. We also considered how the new single portal for residents called 'One Account' operates. We explored with senior officers how digital engagement was progressing and the digital solutions now being offered across a range of services. We recommended that lessons be learned from successful online migration elsewhere and that the focus must be on the customer journey. We were reassured that the strategy sought to encourage as many people who were able to use online service to switch to digital channels, freeing up customer service time for those with greater access needs, such as language barriers, older residents and the disabled. The speed of channel shift is also an issue that requires greater attention.

Cabinet Member Question Times

There were two Cabinet Member Question Time sessions.

We questioned Cllr Williams about the Council's new approach to **employment support** discussing the new Apprenticeship Scheme and quality and progression, especially in programmes such as 'Ways into Work'. We explored how the quality of jobs might be improved and how programmes might better meet clients' aspirations and we looked at how Planning policy can be better used to offer the correct mix of job opportunities and how the local community can benefit from regeneration schemes such as the Fashion Hub.

We questioned Cllr Selman on: **how recent increases in crime were being managed; protocols for tackling the problems caused by street based sex workers and the reorganisation of ASB Services** as well as the increased burden for licensing of Temporary Events Notices. Hackney has the 3rd largest volume in the country.

Policing and Crime

We questioned the **Borough Commander of Hackney Police on the latest crime figures**. Hackney now has the 3rd lowest crime rates in London and we were pleased that the volume of knife crime is down 13% with Stop and Search activity and weapon sweeps by the police taking a lot of knives off the streets. We also discussed concerns regarding the impact of changes to management of re-offenders and the national increase in hate crime. We discussed the challenges of policing the Night Time Economy when Hackney Police has had to manage a reduction of 15% on its overtime budget and we debated the broader issue of whether the systems for recording crime give a truly accurate picture of crime in an area.

We held a session focusing on the **Safer Neighbourhood Board**. SNBs were set up in 2014 by the (London) Mayor's Office for Policing and Crime (MOPAC) as a community engagement vehicle. The SNB's support officer



Photo: Community Policing

described how it operates and we discussed its current areas of work: the rollout of police body cameras, Community Payback, refreshing Neighbourhood Watch, rolling out anti burglary projects in Victoria and London Fields and engagement events including one with Shomrim in Stamford Hill. We noted that Hackney's SNB is very well supported by the local police.

We had a session with the Council's Prevent Co-ordinator providing an update on the **Prevent Programme in Hackney**. The Home Office provides funding for some local authorities to have a Prevent Coordinator if they are deemed Tier 1 or Tier 2 (out of 4) in terms of need. Hackney does not have a high number of Prevent-related cases but is classified as Tier 2 nevertheless because of its location.

We learned about the 'Channel Panel' which provides support to people who might be on a path to radicalisation. They work with the NHS, CYP Services, Probation, Social Care and other

professionals depending on the individual's needs. 6 individuals were supported last year after agreeing to take part. Cases received support on signposting, support within the home, mentoring in schools or being mentored by other organisations. Whilst Hackney's number of referrals is low there remains a high threshold of risk. We learned about two projects which Prevent is running locally 'EqualiTeach' and 'Families Against Suffering' Trauma Workshops.

Other work

We also considered a number of issues as single items including a review of **free cash points (ATMs)** in the borough and learned that the Council is now better able to influence the future placing of these ATMs as a result of this item.

We also heard from the Human Trafficking Foundation about a new project **improving awareness in local government about**

human trafficking. This has helped show that a corporate whole-organisation approach is needed. It includes identifying and supporting victims, in light of the new Modern Slavery Act and Care Act and the new statutory responsibilities in this area.

Shelter presented their recent research into the ways that **ASB laws are being used to impact homeless people** and the effect this is having. Cabinet Members for Community

Safety and Homelessness were present to hear the findings and to think about how this should inform the Anti-Social Behaviour (ASB) Enforcement Strategy which the Council is currently developing. That Strategy review will explore how the Council deals with ASB enforcement issues, best practice elsewhere and finding a balance between enforcement action and addressing the underlying issues.

Members of Community Safety and Social Inclusion Scrutiny Commission for 2016/17

Members: Cllr Sade Etti (Chair), Cllr Richard Lufkin (Vice-Chair), Cllr Kam Adams, Cllr Soraya Adejare, Cllr Sophie Cameron and Cllr Mete Coban.

1 Conservative vacancy

In June Cllr Carole Williams was elected Chair and Cllr Sem Moema was appointed a Member. Following a reshuffle after the Mayoral election both joined the Cabinet in October and Cllrs Adejare and Coban joined the Commission to replace them. Cllr Etti was elected Chair.

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Governance and Resources Scrutiny Commission



Chair
**Councillor
Anna Joy
Rickard**



Vice Chair
**Councillor
Susan Fajana
Thomas**

Devolution – the prospects for Hackney

The UK's is one of the most centralized governments in Europe but the tide is turning and devolution looks set to be a trend that will continue.

Our overarching question was: What are the implications of London wide devolution for Hackney and how can the borough make the most of these opportunities? We wanted to explore what it would mean for the emerging governance landscape in London (pan London,

sub regional, borough level) and to learn what joint working arrangements are currently in place and what Hackney's response was to this emerging picture.

We heard from the thinktanks Metro Dynamics and New Local Government Network, as well as the Institute of Education, LSE, London Councils and Centre for Public Scrutiny, who all have contributed to the devolution discussions.

Our concern was that devolved powers could be followed by cuts in budgets as councils take on the bigger responsibilities. Devolution of



responsibility without the allied devolution of the necessary budgets could expose council budgets to additional pressures and so could pose a risk to existing council services.

This review highlighted that devolution discussions are still very fluid and that councils need to respond in an agile way to the proposals and requests, as they emerge. Our view was that the Council needs to have a plan that sets out its principles which will serve as a guide going into any negotiations. We cautioned that it was also important not to look at services in isolation as the various proposals were advancing at differing paces.

We also suggested that devolution proposals be considered as a whole and not just each area in isolation and that it was important to put local public engagement at the heart of the process.

We explored the Council's approach to income generation across the organisation and considered its potential beyond merely increasing fees and charges.

On fees and charges we noted that powers to charge for services were limited and the operation concerned could not, for example, run a deficit for more than 3 consecutive years. In relation to trading and the creation of trading arms e.g. Hackney Learning Trust, there were also limitations but we looked at experiences in other councils such as Essex and Swindon which were quite ahead.

We started by looking at the definition of 'commercialisation' and what the Council wanted to achieve with its commercial activity. The key issue we identified was the legislative limitations on councils to undertake such activity. While the main purpose of commercial



Commercialisation and Income Generation

This topic emerged from our Budget Scrutiny work. Councils have experienced reductions in funding from central government every year since 2010 and in this short review we looked at the potential for councils to undertake commercial activity and the opportunities for income generation.

activity is to make a profit, this was not always possible for some parts of the Council's business operations. Nevertheless if public sector bodies are going to explore this area further, organisations need to adopt the right mind-set and develop an approach that enables managers in the organisation to think commercially when setting up and reviewing contracts.

One of the Council's approaches to date has been to take on the role of a developer in order to maximise the land value for local residents and retain ownership of the land. We looked in particular at recent examples of income generation from using development schemes at Tiger Way and Nile St. We commended the approach to date and recognised the knowledge and expertise the Council has built up. In terms of commercial thinking we were of the view that the Council needs to look at its niche skills and develop these. We concluded that achieving a culture change in the organisation will be fundamental to developing this area of activity.

We stressed that there needed to be more consultation with ward councillors on the development of any major plans for commercialisation and we agreed to ask the new Scrutiny Panel to take forward our work on income generation. We asked that they note the following: that municipal enterprise needs to go well beyond fees and charges and generate much higher levels of income; that Council should concentrate on what it is good at and put in place the resources and encourage the growth of the right culture to succeed; this route would involve having to take on more risk and there would be a need for greater scrutiny of activity when it was carried out through joint boards.

Temporary Accommodation

Following a trend of a large volume of cases coming to Councillors on Temporary Accommodation, we decided to get together with the Children and Young People Scrutiny Commission to hold a joint session on the subject of Temporary Accommodation. The purpose was to gather information from officers and residents on the impact on children and families

We learned that homelessness in Hackney is increasing rapidly, driven largely by a buoyant housing market and the impact of cuts to welfare benefits. Temporary Accommodation has become a real area of challenge for local authorities in London and putting in place the

right policies to address this is a key strategic priority for Hackney Council.

The number of families with older children becoming homeless is increasing and this adds to the considerations associated with finding suitable temporary accommodation close to schools. 38% of households in temporary accommodation in Hackney have at least one working person in the household and this indicates that Hackney is increasingly becoming an unaffordable place in which to live.

We heard from local residents about their experiences of living in Hackney's homeless hostels or temporary accommodation and from officers on the availability of such places. We looked at how the current system operates and the budget pressures involved e.g. increasing demand for discretionary housing payments.

A key message from the residents' experience was about the need for the visitors' policy for hostels to be more flexible, as the length of time people were spending in hostels had increased. We also heard concerns about the increasing rents and the conditions of the hostels. The session highlighted that residents wanted a consistent approach to reporting problems with the service and would like to be consulted more about the quality and experience of their accommodation, so that improvements might be made.

Performance Review – Finding the right approach to conducting performance review in scrutiny

The aim of this review was to establish how performance information is used in the Council by senior officers and Cabinet Member to identify risks, to meet service users' needs and carry out service improvement.

We selected a small number of service areas for this practical investigation. In addition to the performance information available on the 'Covalent' IT system we asked the relevant Cabinet Member and Group Director to answer the following questions: What information the

Council holds about the performance of this service area? How does the Cabinet Member assess the risks and what information is used to identify potential performance issues from the monitoring information available? What information is used by the service area to improve the performance of the service?

This approach helped to identify the soft tools used by senior management that informed them about service change requirements and pressure points for the staff and the service area. From this process we identified key indicators that could be kept under review for each service area.

We have asked that this work should continue and we have passed our information to the Audit Committee with a request that they progress this further. We are also recommending that our colleagues on the other scrutiny commissions use this approach in their own scrutiny work when carrying out performance review. This would help to provide reassurance about the performance monitoring process when, for example, holding the Cabinet Member to account.

Elections Review Update

After a number of high profile errors with the operation of the 2015 UK Parliamentary Elections in Hackney, a full review of how elections were organised and delivered was conducted to understand the shortcomings exposed and the issues that need fixing. This review was not a scrutiny review but rather one led by the Chief Executive as part of his duties as the Borough's Returning Officer. G&R kept this investigation under observation and monitored the progress of the actions being implemented. Members of the Commission received further information about the problems experienced with voter registration and postal votes for the London Mayoral election in 2016.

The investigation into the performance of the Elections Service highlighted problems with the performance of their IT system and issues with team management. A new team structure was implemented and a new IT system put in place,

with all staff being fully trained on it. The lessons learnt were carefully analysed and changes were implemented to deal with the shortcomings identified. We received updates on the implementation of the plan and considered how the Elections Team coped with the sheer volume of work in 2016 when there were 7 different elections, 3 of which were borough wide.



Apart from allowance for human error, all aspects of the new system, the processes, the plans and the risk management put in place held up to testing in 2016. Our session helped to provide assurance that robust processes are now in place for the running of a successful elections operation.

Other work

We held a Cabinet Question Time session with Cllr Taylor where we questioned him on the **Council Tax Reduction Scheme**, on the **use of bailiffs**, on **Council Tax arrears**, on the performance of the **Pension Fund**, on the likely **impact on the Council of 100% Business Rates Retention** and on Procurement issues including the quality of the Council's **Concierge services** on housing estates currently provided by G4S.

We considered a briefing on the **impact of Brexit for local authorities** such as which aspects of EU legislation will be or already is transposed into UK legislation, the impact of the loss of structural funds and from the European Investment Bank, the impact on energy efficiency targets, trading standards,

procurement rules and the impact on the construction industry, housing and investment. These are issues which will need to be revisited as March 2019 approaches.

We considered the annual report on **Complaints and Members Enquiries** and we received updates on the **Council Restructure of Senior Management** and on the **Cross Cutting Programmes**.

Members of Governance and Resources Scrutiny Commission 2016/17

Members: Cllr Anna-Joy Rickard (Chair), Cllr Susan Fajana Thomas (Vice Chair), Cllr Ned Hercock, Cllr Deniz Oguzkanli, Cllr James Peters and Cllr Nick Sharman.

Plus 1 Conservative vacancy

In June Cllr Rennison was elected Chair. Following a reshuffle in October after the Mayoral election Cllr Rennison was appointed a Cabinet Adviser. Cllr Rickard was then elected Chair and Cllr Fajana Thomas was elected Vice Chair. Cllr Peters joined the Commission to fill the vacancy.

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Health in Hackney Scrutiny Commission



Chair
Councillor
Ann
Munn



Vice Chair
Councillor
Ben
Hayhurst

End of Life Care



Photo: St Joseph's Hospice

End of life care has been much discussed in the news because of the changing age profile within the UK and concern as to how health services are managing this change. Within London the population aged 65+ is expected to rise by over 1.5 million by 2041. Hackney has a younger profile, nevertheless the number of residents aged 85 or over is projected to grow significantly. We were conscious with this review also to include end of life care issues affecting younger age groups and children.

We made site visits to St Joseph's Hospice, Richard House Children's Hospice, Beis Pinchas nursing home, Acorn Lodge Care Centre and attended a Death Café event. This was where over 100 people attended an informal

community tea party engaging in group discussions around attitudes to death and dying. We took evidence in formal scrutiny meetings from the Homerton Hospital, the CCG, Marie Curie care, Age UK, the Older People's Reference Group, Interlink Foundation and the Conscious Aging Trust.

Our recommendations encompassed: how to make the new integration plan work; driving up the use of Co-ordinate My Care (an electronic care plan which is accessible to all the care professionals); improving nurses' training; better alignment of transfers of care especially for elderly and frail patients who are suddenly transferred to acute hospitals; how to improve communication between medical practitioners



Photo: St Joseph's Hospice

and families, in particular in relation to having those difficult but necessary conversations around death and dying; raising awareness of



local hospice and other services; how the local community and voluntary sector might play a bigger role in supporting those caring for those at end of life; improving culturally appropriate services and the specific needs of children who are at end of life.

Integrated commissioning of health and social care

A standing item throughout the year was the development of the new One Hackney and City plan for the integration of health and social care. Previously this was called the 'Hackney Devolution Pilot'. This is the most significant change to the local health economy in a generation because it will see the pooling of a significant proportion of the CCGs health budget with the Council's social care and public health budgets under a new governance arrangement. Some budgets in both organisations cannot, by law, be pooled and will have to remain as is. A new Integrated

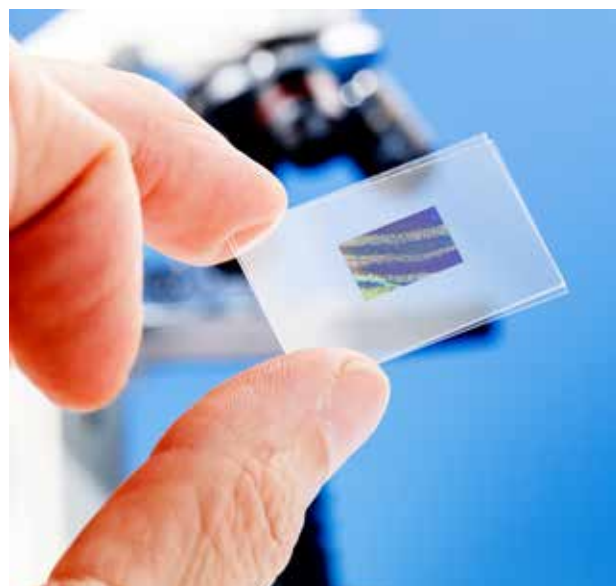
Commissioning Board comprising three Cabinet members and three Governing Body members from the CCG will oversee it all and make the commissioning decisions. The potential for smarter working and important cost savings are obvious and in Hackney it builds on a solid history of successful partnership working.

Throughout the year we had a number of updates as the plan evolved and the new system went live on 1 April. We raised concerns about governance, accountability and transparency and we will pay close attention to this as more detail becomes available.

Underneath the ICB is a Transformation Board chaired by the Council Chief Executive and underneath that are 4 Workstreams: Planned Care, Unplanned Care, Prevention and Children and Young People which will deliver the work. There is also full engagement at senior level from all the providers, most importantly the Homerton and ELFT. Both the CCG and the Council are implementing significant organisational and culture changes to make this a success.

Future of the Homerton's pathology lab

We examined local concerns about plans to reduce the level of on-site provision of pathology services at the Homerton Hospital and we questioned the Chief Executive twice



on the issue. The Homerton's Board had engaged external consultants to produce a report on the future of the service and it had also concluded that a full public consultation was unnecessary as a service would still remain. We raised concerns about outsourcing and the potential downgrading of the current well regarded service.

We expressed concerns about specialist pathology services being at risk (the Trust has a high reputation here) and that even a small downgrading of the service might jeopardise the Homerton's status as a fully accredited teaching hospital. We also learned that such a change might also have long term implications for the standing of its A&E service and for retaining high quality staff. There were concerns that the plan would fracture the existing excellent relationship with local GPs and that there would be issues about continuity of care and bed management. We asked that they look in detail at other proposed options and argued that there were issues of quality and cost that a new service would need to demonstrate. We noted that the Trust was exploring with other partners (both NHS and independent) a new model for the service and we are awaiting further developments.

Fairness of financial reviews under The Care Act

Members' had expressed concerns about the seeming unfairness of the Care Act financial assessments which are the essential first step in providing adequate social care and we invited a local patient advocate with personal experience of these issues to give her perspective. We received an update from senior social care officers on how the implementation was proceeding and got reassurances on a number of counts. There had been concern that while councils generally were now doing far more assessments, the overall cost of packages remained unchanged and we had heard concerns from some client advocacy services that this was because the assessment were being conducted more to meet budgetary constraints rather than to meet their Care Act

obligations. We welcomed the development of a new co-production approach in adult social care which should give patient advocates practical input into improving the services.

Infrastructure planning and health and wellbeing provision

A discussion last year on GP capacity raised the issue of how the Community Infrastructure Levy (CIL) might be better used for health and wellbeing provision i.e. more doctors' surgeries, given the increase in population and the poor state of repair of some existing surgeries.

The Head of Planning updated us and the health partners on how the current system works. We examined how when a site was identified where a doctors' surgery would be the preferred outcome, how this might be achieved within the current system. We learnt about where planning could and could not assist and how CIL revenue itself was a relatively modest amount and so therefore should be considered more like match funding, in this context. It was clear that the health partners needed to get involved at an earlier stage to leverage money and plans towards a common preferred outcome and one way of doing this is by being involved in pre-application meetings on key sites.

We sent a wish list of actions to the Head of Planning arising from the discussion and great progress has been made in engaging with the health partners. We will revisit the issue at the end of this year.

Other Work

Our main review takes up a small proportion of our time as our remit is large and the Commission has to respond to topical issues of public concern as they arise.

Concerns about the poor performance of City and Hackney on **vaccine preventable disease and immunisation rates** was brought to our attention and we invited the senior commissioner from NHSE England, who commission the service, to discuss the latest

data from Public Health England and the action plan being put in place to remedy the problem. Rates were particularly low within the Charedi community which remains a concern but there are system issues too around capacity in primary care and the reporting mechanisms used.

We discussed the annual report of the City and Hackney **Safeguarding Adults** Board with its Independent Chair, reviewing performance over the year. This item also prompted a joint approach whereby they contributed to our 'End of Life Care' review. They had just completed a Safeguarding Adult Review relating to the case of a single older male who had lived alone. We were able to consider the shortcomings identified in his end of life care and the learning from this case history fed into our recommendations.

We held a session with **Healthwatch Hackney** on their annual report prior to its submission to Healthwatch England and throughout the year we benefited from their active contribution to our work and their regular attendance at our meetings.

In the area of mental health we consented to a formal Case for Change proposal from ELFT on their plans to **relocate some inpatient mental health beds** for 'functional older adults' from Orchard Lodge in Homerton to Mile End Hospital. This was an issue which had been in train for some time.

We also called in the Head of Forensic Services at ELFT to provide assurances following a series of incidents where **patients on release from John Howard Centre had absconded**. The partnership working with the police needed to be improved, we concluded, particularly in relation to the communications with the wider public when an incident occurs. In all cases the patients were safely returned but there is learning which needs taking on board here.

We revisited the issue of the **safety of the Maternity Service at the Homerton** Hospital following a re-inspection after it had performed poorly in CQC inspections. We discussed the action plan for improvement with the Medical

Director and the Chief Nurse. We are pleased that the service is on a steady course to recovery.

We keep a watching brief on the performance of local care providers and there have been challenges this year, with a key provider withdrawing from the borough and some others receiving low ratings from the CQC. We had a very useful discussion with the Assistant Director Commissioning on the **current state of the care service market** and she reassured us about the processes the Council has in place for **managing service provider failure** when it happens.

We considered the future of **Community Pharmacy Services** with the Local Pharmaceutical Committee and wrestled with the anomaly that while central government is promoting community pharmacies as the solution to driving down A&E admissions and providing more care closer to home, they are at the same time cutting funding to these same community pharmacies.

We had a wide ranging **Cabinet Member Question Time** with Cllr McShane which covered: sustainability of the adult social care market; an update on impact of the Median Rd Care Centre closure; the impact of Brexit on social care and NHS and the progress of the City and Hackney Wellbeing Network.

As part of our **Budget Scrutiny** role we looked at emerging proposals on cost savings plans in the specific area of 'preventable spend on vulnerable adults' and provided comments to the Cabinet Member as he was developing his budget.

We considered the draft **Quality Accounts** for HUHFT and for St Joseph's Hospice and on the latter the new Chief Executive attended to discuss the shortcomings which, unusually, had been reported for this provider.

We had a number of items on **Primary Care issues** during the year including considering reports of NHSE engagement on re-procurement of 3 local GP Practices (Sandringham, Tollgate Lodge and Springfield). Representatives from the CQC attended to provide an overview of the state of GP Practices

in Hackney, one year into their new inspection responsibilities. We were pleased that overall Hackney's GP Practices were performing highly despite the pressures on them.

We also discussed with the CCG, the GP Confederation and NHS England the **transfer of core Primary Care commissioning** from NHSE to City and Hackney CCG which came

into effect on 1 April. This means that the core contract which a GP Practice holds with the NHS will be commissioned by a new independent committee at the CCG rather than by NHS England. Our hope is that this welcome localisation of GP commissioning can only help to make the services more responsive and accountable.

Members of Health in Hackney Scrutiny Commission 2016/17

Members: Cllr Ann Munn (Chair), Cllr Ben Hayhurst (Vice-Chair), Cllr Sharon Patrick, Cllr Clare Potter, Cllr James Peters, Cllr Rosemary Sales and Cllr Peter Snell

Plus 1 Conservative vacancy

Officer contact: Jarlath O'Connell, **020 8356 3309** jarlath.oconnell@hackney.gov.uk



Residents debate the STP changes at a local consultation event organised by Healthwatch Hackney

Inner North East London Joint Health Overview & Scrutiny Committee

The Inner North East London Joint Health Overview and Scrutiny Committee (INEL JHOSC) covers Hackney, City, Tower Hamlets and Newham. London has a number of standing JHOSC committees made up of a cluster of boroughs who are asked to scrutinise changes to the health services across their patch.

Generally these cross council scrutiny committees mirror the consolidation of CCGs which is now happening at pace. At the CCG level only City & Hackney and Croydon CCGs are not yet part of larger clusters.

The INEL JHOSC Committee comprises 3 councillors each from the London boroughs of Newham, Tower Hamlets and Hackney and 1 member from City of London Corporation. Its remit is to consider formal 'Case for Change' consultations affecting the footprint which are

requested by the NHS. The NHS has powers to force local scrutiny committees to form one JHOSC as necessary.

The Committee, now chaired by Tower Hamlets, is leading on the scrutiny of the NHS's *North East London Sustainability and Transformation Plan (NEL STP)* which has just been re branded as the **East London Health and Care Partnership**. This is a partnership of 8 councils, 7 CCGs and the 5 large acute Trusts in east London (Barts, BHRUT, Homerton, ELFT, NELFT) and it will drive all sub-regional planning of health and care services over the coming years. The Committee has met 5 times this year focusing on different aspects of these change proposals at each meeting.

Hackney's devolution pilot One Hackney and City is one of the three pillars of the new STP system the others being the Transforming Services Together programme (Tower Hamlets, Newham, Waltham Forest) and the BHR change programme (Barking & Dagenham, Havering and Redbridge).



The membership for 2016/17 was:

City of London

Common Councilman Wendy Mead OBE

Hackney

Clr Ben Hayhurst Clr Ann Munn, Clr Clare Potter

Newham

Clr James Beckles, Clr Susan Masters (Vice-Chair), Clr Anthony McAlmont

Tower Hamlets

Clr Sabina Akhtar, Clr Clare Harrison (Chair), Clr Muhammad Ansar Mustaqim

Integrated Urgent Care

At the December INEL JHOSC meeting Hackney's Members became aware of plans to replace the current GP Out of Hours providers in each borough with a pan North East London single provider for an Integrated Urgent Care system.

In effect this is an expanded NHS 111 service which will cover the 8 east London boroughs and in Hackney it will, from April 2018, replace

CHUHSE our current GP Out of Hours provider. Needless to say there was concern about this as CHUHSE has been high performing but the decision to impose a one size fits all solution for east London has been decided by NHS England and forms part of the changes coming about under the area's Sustainability and Transformation Plan.

Health in Hackney challenged City and Hackney CCG on this and formally wrote to their Governing Body expressing concerns about what we fear might be an erosion of an existing good quality service. Before CHUHSE was created there had been a long history with a previous poor provider, Harmoni, and Health in Hackney had acted to some extent as an independent arbiter in a lengthy and complex dispute between local stakeholders and the then PCT on how that procurement process had been managed.

Health in Hackney notes that the CCG has no choice but to implement this mandated change but it intends to keep a watching brief on this and to pursue the issue at INEL JHOSC also.

Living in Hackney Scrutiny Commission



Chair
Councillor
**Sharon
Patrick**



Vice Chair
Councillor
**Will
Brett**

Air Quality

Our review took place in the context of concern about the high and often illegal levels of air pollution, both in Hackney and London. The issue brings significant health impacts: it is estimated to have caused the equivalent of up to 9,400 deaths in London in 2010 alone.

Hackney specific data on health impacts are limited, however it is estimated that 5.6% of mortality in the borough is attributable to long term exposure to 'particulate matter'. This is significantly higher than the UK average and ranks as the 8th worst in London. Children are most vulnerable to the effects of air pollution and many schools are located in areas exceeding the safe levels.

There are a number of causes of air pollution but road transport emissions is the key one. We learned that changes at sub-regional and national levels are required in order to bring pollution levels to legal - let alone safe - levels. Our review included challenges to both the GLA and Defra on actions being taken.

Our report, which is currently in draft form, gives support to the Mayor of London on his introduction of the Emissions Charge and his move to implement an *Ultra Low Emissions Zone* (ULEZ) earlier than planned. This said, we ask him to go further by setting out plans to extend the ULEZ London wide and to move towards a full ban on diesel vehicles.

We learned about *filtered permeability*



schemes, the concept that road space should be made more accessible and permeable for walkers, cyclists and those using public transport than it is for private motor vehicle users. These include schemes which close roads to through motor traffic whilst allowing permeability by bike or on foot. We asked the Council to give greater assurance around its responsiveness to these schemes and that it improve the consultation and engagement on them. Overall we consider the schemes would reduce traffic and therefore pollution, and would also deliver other wider health benefits. We also suggested that the Council continues to use them as a tool to help mitigate the environmental impact of both population and employment growth.

We looked at how parking controls might be used to bring air pollution reduction benefits. This relates to areas where schemes have been delivered but also in roads leading to them. The caveat to this is the harm which residents, living in uncontrolled parking areas, experience when controls are brought in to other adjacent areas. We make a case for bringing controlled parking to all areas of the borough, we contest the points made to the Commission around current policies not allowing for this, and we urge the Council to pursue it.

Another aspect is the key role the Council plays in communicating to residents about air pollution, whether it's advice on reducing exposure, education about the scale of the issue and changes which need to be made. The Council promotes the service alerting subscribers when pollution reaches high levels, and other initiatives which are relevant to the agenda. We ask that this work is expanded.

We explored how the Council ensures that air quality considerations play a full part in individual planning decisions and we identified a need for closer working between the service giving the advice and the services receiving it. This would better enable stringent and securable conditions to be placed on planning approvals where possible.

Whilst major progress here relies on London

wide and national change, as a group of local councillors we were keen to prioritise the issue in Hackney.

Aftermath of flooding caused by Thames Water

In December 2016 a water main belonging to Thames Water burst causing flooding to a number of businesses and properties in Stoke Newington, and a major road had to be closed for some time. With this flooding occurring soon after a similar event in Islington, we joined with Islington's Health Scrutiny Committee to hold Thames Water to account on these incidents. Jointly we challenged them on their levels of investment in their pipes and other infrastructure, their approach to maintenance, how they might better identify and deal with small leaks before they escalate, and whether emergencies such as these could be responded to more effectively.

We then facilitated another meeting in Stoke Newington Town Hall. This gave residents the opportunity to come together as a group to question Thames Water about the causes of the event, their response to it, and their management of the aftermath. There was also the opportunity for residents affected by the flood to describe their individual experiences with Thames Water representatives and loss adjusters. Following the two sessions we wrote to Thames Water outlining our findings, and setting out some proposals for change. This has led to further engagement by Thames Water with the property owners in the area and assurance that these efforts will continue as further remedial action is planned and delivered. In addition a goodwill gesture was secured in recognition of the efforts of residents to barricade water away from their homes and those of their neighbours during the incident.

Finally, we continue our liaison with the London Assembly's Environment Committee on their wider review of Thames Water's London-wide management of water services. We will keep a watching brief on this.



Night time economy consultation

We continue to take a keen interest in the Council's review of its *Licensing Policy* and in particular to the management and development of Hackney's successful Night Time Economy. Scrutiny has no role in licensing or planning issues but can input on the development of the overarching statutory policies which have to be updated regularly.

We looked at the findings of a recent consultation on views of the sector which was being used to inform the revision of the Policy. We were impressed with the depth of the questions asked around the kinds of facilities that people use in the evening, what they would like to see more or less of, and the actions that the Council and its partners might take to improve how the sector is managed to the benefit of residents and businesses. We had some concerns however about the survey sample which had been used, both in terms of its demographic make-up and the fact that the responses seemed to be dominated by current users of the night time economy.

We sent our concerns to the Cabinet Member and the Chair of the Licensing Committee and made a number of recommendations around

how a more insightful analysis might be produced or how the limitations of the current research might be made clearer. This has led to a further update being scheduled where we will learn the current status of the draft policy and whether our suggestions were taken on board.

Markets consultation

We also carried out some pre-decision scrutiny on the draft Markets Strategy for the borough. We looked at the results of the consultation before a decision by the Executive was made on whether to approve it. This enabled a check to be made that the direction of the overall strategy was reflective of local views, and that there were plans in place for this feedback to help shape the further development of our individual markets over the strategy's lifetime.

Contract management in Housing Services

Noting that improving contract management and contractor performance were actions identified by the Housing Service which would help achieve savings and also improvements for residents we decided to explore this issue. To test progress on it, as part of our **Budget**

Scrutiny exercise we explored differences between the design, tendering and management of a contract which had been terminated due to poor performance, and its replacement.

While we were satisfied with the approach being taken, our request for an update on the performance of the new contract six months into its lifecycle proved to be warranted, with performance of this contract found to be disappointing. We heard about the remedial actions being taken to get things back on track. We have requested further updates on progress here.

Cabinet Member Question Times

Living in Hackney's remit encompasses the portfolio areas of a number of Cabinet Members and Cabinet Advisers, and these do change, so we carry out a number of Question Time session throughout the year.

From the previous administration we questioned Cllr Linden, the then Deputy Mayor and Cabinet Member for Community Safety, on **licensing, licensing enforcement** and on

environmental safety, with a particular focus on **noise pollution**.

We questioned, Cllr McKenzie, the new Cabinet Member for Housing, on the issue of **Tenant and Leaseholder Involvement**. We explored with him the work to build and grow involvement and participation and the officer support which will be required to enable this. We also discussed his **TMO Champion** portfolio and what this will entail.

We questioned Cllr Burke, the Cabinet Member for Energy, Sustainability and Community Services on the Climate Change Strategy with a specific focus on the progress being made on the **district heating programme**. We also questioned him on the **use of leisure, sports and library facilities by various community groups** and on how his **Volunteering Portfolio** will operate in relation to the community sector.

We also had a session with Cllr Demirci the Cabinet Member for Neighbourhoods, Transport and Parks which focused on local developments in **public transport, public realm and public spaces**.

Members of Living in Hackney Scrutiny Commission 2016/17

Members: Cllr Sharon Patrick (Chair), Cllr Will Brett (Vice Chair), Cllr Kam Adams, Cllr Michelle Gregory, Cllr Ian Rathbone and Cllr Vincent Stops

Plus 1 Conservative vacancy

In July Cllr McKenzie was elected Chair and Cllr Patrick as Vice Chair and Cllr Burke was a member of the Commission. Following a reshuffle after the Mayoral election Cllr McKenzie and Cllr Burke joined Cabinet in October. Cllr Patrick was then elected Chair and Cllr Brett joined the Commission and was elected Vice Chair.

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A new structure for scrutiny

The scrutiny function in Hackney has been relatively unchanged since its inception in 2002. This past year the Scrutiny Members' commissioned two leading national experts on overview and scrutiny, Professor Colin Copus and Professor Steve Leach, to carry out a review of Hackney's scrutiny function. All stakeholders were interviewed and the Commissions' work was observed and output examined. The experts' report was indeed very positive about the health of the scrutiny function in Hackney but they did come up with a series of suggestions for further improvement, which the Scrutiny Members then spent some time considering.

Arising from those Member discussions the function was reorganised as follows:

- Scrutiny Chairs group was replaced by a more formal Scrutiny Panel allowing for a vice chair from the main opposition party. This will meet 4 times per year.
- The number of Commissions was reduced from 5 to 4 with Governance and Resources and Community Safety and Social Inclusion being disbanded and a new commission being created focusing on Working in Hackney.
- Health in Hackney, Children and Young People Commissions and their remits remain the same.
- Governance and Resources Scrutiny Commission's budget overview role was transferred to Scrutiny Panel and Audit Committee will take up other areas of its remit.

- The four Commissions will continue to have a budget scrutiny role within their remit. This will involve looking at emerging proposals for cost savings and making recommendations to the relevant Cabinet Member.
- The statutory duty to scrutinise the Community Safety Plan which was with CSSI has been moved into the remit of Living in Hackney.
- The Commissions will now meet up to 8 times per year instead of 10 and will explore new flexibilities on how they run their reviews and investigations.
- The new structure came into place at the Council AGM on 24 May 2017.

London Scrutiny Network

Members and the team continue to be active contributors to the work of the London Scrutiny Network, attending its regular meetings. These provide valuable opportunities to share best practice and to formulate common approaches to shared problems at a time when scrutiny is undergoing significant change. Hackney contributes to a small pooled fund which the LSN uses to programme some training sessions for scrutiny councillors.

How to contact us



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STANDARDS COMMITTEE ANNUAL REPORT 2016/17

STANDARDS COMMITTEE

10 July 2017

COUNCIL

26 July 2017

CLASSIFICATION:

Open

WARD(S) AFFECTED

All Wards

**Tim Shields
Chief Executive**

1. SUMMARY

- 1.1 This report gives an overview of the work and activities of the Standards Committee over the past year and provides information on the monitoring of the Members' Code of Conduct.

2. RECOMMENDATIONS

- 2.1 **That the Standards Committee considers the Annual Report for 2016/17, as attached at Appendix 1, and endorse it for submission to Full Council.**
- 2.2 **That Full Council notes the Standards Committee's Annual Report for 2016/17, as attached at Appendix 1.**

3. RELATED DECISIONS

- 3.1 This is the fifth Annual Report of the Standards Committee established by the Council on 1 July 2012.

4. COMMENTS OF THE GROUP DIRECTOR, FINANCE AND CORPORATE RESOURCES

- 4.1 This report sets out the work and activities of the Standards Committee over the previous municipal year and therefore does not contain any potential financial implications.

5. COMMENTS OF THE INTERIM DIRECTOR, LEGAL

- 5.1 The Council has a legal duty under the Localism Act 2011, to promote and maintain high standards of conduct of Members and co-opted Members in public office.
- 5.2 The Council therefore established a Standards Committee to help promote and uphold high standards of conduct amongst Members and co-opted Members.

6. BACKGROUND TO THE REPORT

- 6.1 This Annual Report is submitted to Council in line with best practice for the Council to maintain an overview of the work of the Standards Committee. This is the fifth Annual Report of the Standards Committee established by the Council following implementation of the Localism Act 2011 and the introduction of related ethical governance arrangements.
- 6.2 In upholding high standards the Committee monitors and makes recommendations on the Members' Code of Conduct and considers complaints made under the Code.

6.3 The Standards Committee during 2016/17 undertook work in the following areas, which are explained in further detail in Appendix 1 of this report:

- Annual Report on Compliance with Guidance on Members' Use of ICT
- Review of the Register of Members' and Co-optees Declaration of interests
- Review of the Members' Training and Development Programme
- Safety arrangements for Member surgeries

Tim Shields
Chief Executive

APPENDICES

Appendix 1 – Standards Committee Annual Report 2016/17

Report Author	Tess Merrett, Governance Services
Comments of the Group Director, Finance and Corporate Resources	Jackie Moylan Assistant Director of Finance 0208 356 3032 Jackie.Moylan@hackney.gov.uk
Comments of the Director, Legal	Suki Binjal Director of Legal (interim), suki.binjal@hackney.gov.uk

**STANDARDS COMMITTEE
DRAFT ANNUAL REPORT 2016/17**

Introduction from Councillor Anntoinette Bramble, Chair of the Committee for 2016/17 and Cabinet Member for ethical governance matters

This report provides an overview of the Committee's work in the 2016/17 Municipal Year, in what was the Committee's fifth year since its establishment by the Council following the introduction of the Localism Act 2011. This Annual Report outlines the key areas of work undertaken by the Committee during 2016/17 as well as looking at future work and challenges.

This is my first annual report since taking on responsibility for this Committee last year. I am pleased to report that Members and co-opted members continue to uphold high ethical standards and that the ethical governance framework introduced in July 2012 is well embedded. I am also pleased to report that the refreshed Members' training programme has recently been launched and I have received some positive feedback already from Members.

It is again regrettable that the opposition parties have decided again not to take up their place on the Standards Committee for the 2016/17 Municipal Year. The Committee functions in an independent and non-party political way. It will continue to retain the places for the opposition parties in the hope that they will be taken up.

2. Membership

For 2016/17, membership of the Committee was as follows:

- Cllr Sophie Linden, Deputy Mayor, Chair of the Committee, resigned from the Council on 9 June 2016;
- Cllr Anntoinette Bramble, Deputy Mayor, Elected Chair of the Committee at its meeting on 15 February 2017 (following Cllr Sophie Linden's resignation)
- Six non-executive Council Members – Councillors Katie Hanson, Ben Hayhurst, Clayeon McKenzie, Sally Mulready, Clare Potter and Jessica Webb (vice-chair); and
- Six non-voting co-opted members – Julia Bennett, George Gross, Adedoja Labinjo and Onagete Louison (plus two vacancies).

- There remains One Conservative and one Liberal Democrat vacancy on the committee.

The table below outlines Members' and co-optees' attendance at meetings of the Standards Committee meetings during the 2016/17 Municipal Year. As ever, Members and co-optees had a large number of alternative commitments such as other public meetings, ward commitments, representing the Council on outside bodies and work commitments, and were therefore not always available to attend every meeting of the Committee. However, there was high attendance at the Committee meetings during 2016/17.

Member	25/05/16 Extraordinary meeting	21/07/16	15/02/17* *re-scheduled from 12/01/17
Julia Bennett	N	P	P
Cllr Sophie Linden	P	N Resigned as Councillor and Committee Chair on 9 June 2016	N
Cllr Anntoinette Bramble	N	N	P Elected as Chair of the Standards Committee
George Gross	N	P	P
Cllr Katie Hanson	P	P	P
Cllr Ben Hayhurst	P	P	P
Adedoja Labinjo	N	P	A
Onagete Louison	N	P	P
Cllr Clayeon McKenzie	N	P	A
Cllr Sally Mulready	P	A	P
Cllr Clare Potter	P	A	P
Jonathan Stopes-Roe	N	P	P
Cllr Jessica Webb (Vice Chair)	P	P	P

Key:

P = Present

N = Not required to attend

A = Apologies for absence

3. Terms of reference 2016/17

The Standards Committee operated within the following terms of reference for 2016/17 Municipal Year, which went to the Standards Committee meeting on 21st July 2016:

The Standards Committee is responsible for promoting and maintaining high ethical standards at the Council. The Standards Committee is responsible for the following functions:

1. To review and maintain oversight of the Council's ethical framework and procedures and make reports and recommendations accordingly;
2. To review and maintain oversight of the conduct of Members and co-opted members of the Council and assist them in upholding high ethical standards;
3. To advise Full Council and its Committees on the adoption of a Members' Code of Conduct, codes of practice and protocols relating to ethical governance matters;
4. To hear and consider complaints made against Members and co-opted members under the Code of Conduct, codes of practice or protocols;
5. To adopt procedures for considering complaints made under the Code of Conduct, codes of practice or protocols;
6. To consider whether to grant applications for dispensation to Members and co-opted members, in accordance with Members' Code of Conduct; and
7. To maintain oversight of ethical governance training provided to Members and co-opted members and make reports and recommendations accordingly.

4. Members' Code of Conduct

All Members on their election to office and co-optees on their appointment are required to sign a declaration confirming that they will abide by the Members' Code of Conduct. It is important for them to have good knowledge of the requirements of the Code. Similarly, officers who work directly with Members and co-optees need to have a good understanding of the Code in order to give Members effective support.

The Committee is pleased with the support and training provided to Members on the Code of Conduct and believes that it helps contribute to the high ethical governance standards demonstrated by Members and Co-optees of

the Council. It is expected that Members and Co-opted Members will attend refresher sessions during the next Municipal Year. The Committee will continue to monitor training on the Code of Conduct to ensure that high standards continue.

5. Member Induction, Training and Development Programme

The Committee received a report at its meeting on 15 February 2017 updating the Committee on the Members' Training and Development Programme. The programme's aim was to provide the necessary training and tools to Members to enable them to reach their full potential in their various roles as Councillors. The change in approach had come about as a result of Mayor Philip Glanville's commitment last September to launch a review of how Councillors are supported. The training is now more focused with the emphasis on a more individual approach to training to meet Members' needs and aspirations. A dedicated Members training page has been created and is expected to go live shortly. This will include links to all the main components, including the Local Government Association and Local Government and Intelligence Unit learning hub, dates of briefings and back to floor session, PDP templates and guidance, as well as key contacts.

At the 15 February 2017 Standards Committee meeting members noted that with the briefings it was a challenge trying to strike the best balance between getting the best attendance levels and holding them on dedicated nights. Annual reviews were conducted of the training and consultations which had been provided by the various relevant authorities e.g. the Metropolitan Police Service.

Committee members welcomed the new training programme. Work would continue to improve the various ways to support Councillors in their professional and personal development.

A number of courses had been run between September 2016 and March 2017. These courses included:

- Planning Training
- Code of Conduct
- Overview and Scrutiny Training
- Housing and Planning Act Training
- Police and Personal Safety Training
- Recycling 2020 Training
- Housing Advice Training
- Mental Health First

Positive feedback had been received from Members particularly for the session on mental health, housing and personal safety.

6. Review of Register of Declaration of Interests Forms

The Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 requires all local authorities to adopt a Code of Conduct and for all its all Members and voting co-optees to complete and return a declaration of interests form.

The Localism Act 2011 also places an obligation on all local authorities to promote high ethical standards in public office. Regulations also require Members and Co-optees to be transparent and declare all disclosable interests on their declaration of interest form.

The Committee received a report on this subject at its meeting on 15th February 2017. The Committee noted that the declaration of interest forms are held in a hard copy register and on the Council's website. Having reviewed the forms, the majority of Members have been keeping their forms updated. There was a small number of Councillors who have not updated their forms since 2014, and they had been sent a reminder to send in an updated form if there had been any changes.

8. Complaints about Member Conduct

Jonathan Stopes-Roe continued to serve as the Council's Independent Person on ethical governance matters. A report will be considered by full Council at its 26th July 2017 meeting to re-appoint him for a further 4 year term.

There was one complaint received under the Members' Code of Conduct that were referred to the Standards Assessment Sub-Committee and no further action was recommended.

9. Guidance for Members on Use of ICT – 6th Annual Report

The Committee received a report at its meeting on 15 February 2017 on Compliance with Guidance on Members' Use of ICT. The Committee noted in the report, that there had been one reported breach during the Municipal year of 2015/16. There had only been three known or reported breaches since the commencement of annual reporting to the Standards Committee in 2013.

There was one reported breach of the Guidance on Members' Use of ICT in 2016/17 which was referred to the Standards Assessment Sub-Committee and no further action was recommended.

The Committee was also briefed on the refresh of the Council's guidance for Members' uses of ICT, which would ensure that the Council's guidance is up to date with current systems and the latest UK Government guidance. The revised policy had been designed to avoid adding disproportionate technical

restrictions which can lead to people taking risks. In addition the refreshed policy will include guidance on use of social media, reasonable use of services and would also be reviewed to consolidate the number of policy documents.

10. Dispensation Requests

Under the Council's dispensation Procedure, the Standards Committee is responsible for considering requests for dispensations on the grounds that it is in the interests of residents or that it is otherwise appropriate to grant dispensation for some other reason.

There were no requests for dispensation put to the Standards Committee during the 2016/17 period.

11. Conclusion

The Standards Committee has now been in operation for five years following its establishment by Council. The Committee remains dedicated to maintaining high ethical standards in Hackney and supporting Members and co-optees in doing so. The Committee is pleased to see that the current framework is operating successfully and the Committee believes that Council Members and co-optees continue to demonstrate high ethical standards.

The Committee's ongoing focus will be to support Members to ensure that they are fully aware of the principles of the Code of Conduct and to monitor attendance at training and completion of Register of Interests' forms.

I thank the four co-optees of the Committee for their assistance and hard work on the Committee and the Independent Person, Mr Jonathan Stopes-Roe, for his contribution to our work.

Councillor Anntoinette Bramble
Chair of Standards Committee 2016/17

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STANDARDS COMMITTEE – LOCALISM ACT 2011 REAPPOINTMENT OF INDEPENDENT PERSON

COUNCIL Date: 26 July 2017	CLASSIFICATION: OPEN
WARD(S) AFFECTED ALL	
CORPORATE DIRECTOR Chief Executive	

1. Summary

- 1.1 The Council is required under the Localism Act 2011 (The “Act”) to appoint an “independent person” whose views have to be sought, and taken into account, before the Council investigates a complaint against a Member or voting co-opted Member of the Council. A Member against whom a complaint has been made also has a right to consult the Independent Person about the complaint. This report seeks Council’s approval to re-appoint Jonathan Stopes Roe to the position of Independent Person for the period of four years.

2. Recommendations

Council is recommended to approve the re-appointment of Mr Jonathan Stopes-Roe as the Independent Person for a further period of four years. This appointment will come to an end in June 2021.

3. Comments of the Director of Legal

Section 28 of the Localism Act 2011 requires each local authority to appoint at least one Independent Person –

- (a) Whose views are sought and taken into account before the council makes its decision on an allegation that it has decided to investigate and
- (b) Whose views may be sought –
 - (i) In relation to an allegation not falling within (a) above,
 - (ii) By a Member or voting co-optee who is complained about.

- 3.1 The Act stipulates that a person is not independent if the person is –
- (i) A Member, co-opted Member or officer of the Council, or has held such a role at the Council within the previous 5 years
 - (ii) A relative or close friend of a Member or co-opted Member of the Council.
- 3.2 The original appointment of Mr Stopes-Roe was by way of an open advert and recruitment process and whilst this is not a paid position, an annual attendance allowance of £455.90 is paid via quarterly instalments.
- 3.3 Jonathan Stopes-Roe continues to meet the definition of independent person. The Act does not prescribe a time limit on the term of office of the Independent Person and this is therefore within the discretion of the Council. Jonathan Stopes-Roe has performed the role of Independent Person diligently and it is therefore proposed to re-appoint him for a

further four year period with this appointment coming to an end in June 2021.

4. Comments of the Group Director, Finance and Corporate Resources

- 4.1 Any costs associated with this appointment are likely to be small and are provided for within existing budgets

APPENDICES None

BACKGROUND PAPERS

Publication of Background Papers used in the preparation of reports is required

Description of document (or None)

Report Author	Tess Merrett Governance Services Tess.merrett@hackney.gov.uk 020 8356 3432
Comments of the Interim Director of Legal	Suki Binjal Interim Director, Legal Services Suki.binjal@hackney.gov.uk 020 8356 6234
Comments of the Group Director Finance & Resources	Ian Williams Group Director Finance & Resources ian.williams@hackney.gov.uk 020 8356 3003

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APPOINTMENTS TO COMMITTEES AND COMMISSIONS

<p>COUNCIL 26 July 2017</p>	<p>CLASSIFICATION: Open If exempt, the reason will be listed in the main body of this report.</p>
<p>WARD(S) AFFECTED N/A</p>	
<p>CORPORATE DIRECTOR Tim Shields, Chief Executive</p>	

1. Summary:

- 1.1 This report seeks to appoint co-opted members to two of the Council's committees. Article 7 of the Council's Constitution sets out the co-optee requirements for the Children and Young People's Scrutiny Commission and Article 8 sets out the co-optee requirements for the Standards Committee.

2. Recommendations:

Council is requested to:

- 2.1 Agree the re-appointments of the following to Children and Young People's Scrutiny Commission for the period of 1 year:

Voting co-optees

- Richard Brown, representative from the London Diocesan Board for Schools (Church of England) representative.
- Jane Heffernan – Roman Catholic Westminster Diocesan Schools Commission representative
- Sevie Sali Ali – parent governor representative

There is one parent governor vacancy.

Non-voting co-optees

- Rabbi Judah Baumgarten, representative from the Orthodox Jewish community.
- Shuja Shaikh, from the North London Muslim Association representative.
- Ernell Watson, representative from the Free Churches Group of Churches Together in England
- Jo Macleod, representative from the Hackney Schools Governors' Association.

Youth Parliament Members (non-voting)

.Agree the appointments of

- Maryam Mohammed and Kairi Weekes-Sanderson to replace Ella Cox, Beth Foster-Ogg.

Agree the re-appointments of

- Skye Fitzgerad Mcshane and Louis Comach

2.2 Agree the re-appointments of the following co-optees to the Standards Committee for the period of 1 year:

- Julia Bennett, George Gross, Adedoja Labinjo and Onagette Louison

3. COMMENTS OF THE GROUP DIRECTOR, FINANCE AND CORPORATE RESOURCES

3.1 The costs of member and co-optees expenses for Committees and Commissions are likely to be small and are provided for within existing budgets

4. COMMENTS OF THE INTERIM DIRECTOR, LEGAL

4.1 While none of these appointments are statutorily required, the Council has agreed them in its Constitution. The appointments of the co-optees to the Children and Young People's Scrutiny Commission are made in accordance with Article 7 of the Council's Constitution.

4.2 The appointments of the co-optees to the Standards Committee are made in accordance with Article 8 of the Council's Constitution.

APPENDICES

None

BACKGROUND PAPERS

No background papers have been relied upon the drafting of this report.

Report Author:	Tess Merrett, Governance Services Manager tess.merrett@hackney.gov.uk 020 8356 3432
Legal Comments	Suki Binjal, Interim Legal Director Suki.binjal@hackney.gov.uk 0208 356 6234
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