



# LICENSING COMMITTEE

Wednesday, 21st June, 2017

at 7.00 pm

Room 103, Hackney Town Hall, Mare Street,  
London E8 1EA

## Membership

Cllr Brian Bell (Vice-Chair), Cllr Barry Buitekant, Cllr Sophie Cameron, Cllr Sade Etti, Cllr Margaret Gordon, Cllr Christopher Kennedy, Cllr Richard Lufkin, Cllr Sharon Patrick, Cllr James Peters, Cllr Emma Plouviez (Chair), Cllr Ian Rathbone, Cllr Caroline Selman, Cllr Peter Snell and Cllr Simche Steinberger

**TIM SHIELDS**  
Chief Executive

**Contact:**  
Jessica Feeney, Governance Services Officer  
Tel: 020 8356 1266  
Email: [jessica.feeney@hackney.gov.uk](mailto:jessica.feeney@hackney.gov.uk)

The press and public are welcome to attend this meeting

# ACCESS AND INFORMATION

Hackney Council website: [www.hackney.gov.uk](http://www.hackney.gov.uk)

The Council and Democracy section of the Hackney Council website contains full details about the democratic process at Hackney, including:

- Councillor contact details
- Agendas, reports and minutes from council meetings
- The council's constitution
- Overview and Scrutiny information
- Details and links to area forums and local consultations

## **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.

## 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.

# **AGENDA**

## **Wednesday, 21st June, 2017**

### **ORDER OF BUSINESS**

<b>Item No</b>		<b>Page No</b>
<b>1</b>	<b>Apologies for Absence</b>	
<b>2</b>	<b>Declarations of Interest - Members to declare as appropriate</b>	
<b>3</b>	<b>Minutes of the Previous Meeting</b>	<b>1 - 6</b>
<b>4</b>	<b>The Late Night Levy</b>	<b>7 - 52</b>

# 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, Monitoring Officer;
- 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:

- i. It relates to an external body that you have been appointed to as a Member or in another capacity; or
- ii. 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, Director of Legal, Monitoring Officer, on 020 8356 6234 or email [Suki.Binjal@hackney.gov.uk](mailto:Suki.Binjal@hackney.gov.uk)



FS 566728



## MINUTES OF A MEETING OF THE LICENSING COMMITTEE

WEDNESDAY, 26TH APRIL, 2017

- Councillors Present:** Councillor Emma Plouviez in the Chair  
Cllr Brian Bell (Vice-Chair), Cllr Barry Buitekant,  
Cllr Sade Etti, Cllr Richard Lufkin and  
Cllr Caroline Selman
- Apologies:** Councillor Christopher Kennedy, Councillor  
Sharon Patrick, Councillor James Peters,  
Councillor Ian Rathbone and Councillor Peter Snell
- Officers in Attendance:** Butta Singh (Senior Solicitor for Licensing) and  
David Tuitt (Team Leader – Licensing (Policy and  
Operations))

### 1 Apologies for Absence

Apologies for absence were received from Councillors Kennedy, Patrick, Peters, Rathbone and Snell.

### 1 Declarations of Interest - Members to declare as appropriate

There were no declarations of interest.

### 3 Minutes of the Previous Meeting

The minutes of the meeting held on the 31 January were approved as a correct record.

### 4 Statement of Licensing Policy - Update on the Direction of Travel

The report provided the Licensing Committee with relevant information on the Licensing Act 2003 (“the Act”) and an update on the ongoing work to review the Statement of Licensing Policy (“the Policy”).

The report on the “Direction of Travel” as a result of the evidence collection previously undertaken was considered by the Licensing Committee on 31 January 2017. An updated version of this document was to be given further consideration by Members.

Evidence gathering would be ongoing to inform the review process. Quantitative data such as crime, anti-social behaviour, ambulance, accident and emergency and waste data as well as information held by the Licensing Service was being collated.

**Wednesday, 26th April, 2017**

In addition, a 'behavioural audit' was being carried out. The aim of this was to assess activities in and around the key areas of the borough, where higher concentrations of licensed premises were located. This would be useful to highlight any area specific impacts as a result of licensed premises in the Borough.

Also being undertaken is a Cost/Benefit analysis of the Evening and Night-time Economy. Both pieces of work will add to and complement the quantitative data such as crime, anti-social behaviour, ambulance, accident and emergency and waste as well as data held by the Licensing Service currently being collated. Members were given an outline of the table.

Members discussed the common licensing objectives that were used to refuse applications, it was highlighted that objections were usually formed around public nuisance rather than crime and disorder. Members also understood the link between the dispersal after the closure of a premises and late night refreshments.

Councillor Bell queried the possibility of a Special Policy Area in Hackney Central, Mare Street and the Broadway. The Licensing Officer explained that the consultant raised this as a possible SPA although there was not enough evidence to support it.

Members discussed the possibility of late night refreshment not needing a licence and the effect of this. The Committee felt that this would cause public nuisances for residents. Member also felt that the premises if operating late night refreshments could use the circumstances and evidence of good maintenance when applying for an alcohol licence.

Councillor Etti arrived at the meeting.

Councillor Selman requested that a session was organised in prevention of sexual assaults with the steering group. It was suggested that there should be an independent meeting including all parties and licensees.

Councillor Lufkin queried whether environmental health conditions could be included in the licensing policy. Councillor Selman questioned if the use of glass bottles could be replaced with the use of plastic bottles and if this could be a condition. The Licensing Officer stated that this could not be a standing condition although if necessary the police could apply this as a condition.

**RESOLVED:**

**The Licensing Committee noted:**

- (i) noted the contents of the Appendix**
- (ii) noted the updated timetable for the review in Paragraph 4.**

**Duration of the meeting: 7.00 - 7.45 pm**





This page is intentionally left blank

## MINUTES OF A MEETING OF THE EXTRAORDINARY LICENSING COMMITTEE

WEDNESDAY, 24TH MAY, 2017

- Councillors Present:** Councillor Emma Plouviez in the Chair
- Cllr Brian Bell (Vice-Chair), Cllr Sophie Cameron,  
Cllr Sade Etti, Cllr Margaret Gordon,  
Cllr Abraham Jacobson, Cllr Christopher Kennedy,  
Cllr Richard Lufkin, Cllr Sharon Patrick,  
Cllr James Peters, Cllr Caroline Selman and  
Cllr Simche Steinberger
- Apologies:** Councillor Barry Buitekant and Councillor Peter Snell

### 1 Appointment of Chair and Vice-Chair of the Licensing Committee

Councillor Brian Bell proposed that Councillor Emma Plouviez be elected to serve as Chair of the Licensing Committee for the 2017/18 Municipal Year. This was duly seconded by Councillor Christopher Kennedy.

There were no other nominations.

**RESOLVED** that Cllr Emma Plouviez be elected to serve as Chair of the Licensing Committee for the 2017/18 Municipal Year.

Councillor Christopher Kennedy proposed that Cllr Brian Bell be elected to serve as Vice Chair of the Licensing Committee for 2017/18 Municipal Year. This was duly seconded by Councillor Sharon Patrick.

There were no other nominations.

**RESOLVED** that Cllr Brian Bell be elected to serve as Vice Chair of the Licensing Committee for the 2017/18 Municipal Year.

### 1 Establishment and Composition of the following Sub-Committees

**RESOLVED** that the establishment and membership of the Licensing Sub-Committees A to E be approved, as set out below, for the 2017/18 Municipal Year:–

#### **LICENSING SUB-COMMITTEE A**

Councillor Sophie Cameron  
Councillor Christopher Kennedy

Councillor Richard Lufkin

**LICENSING SUB-COMMITTEE B**

Councillor Sharon Patrick  
Councillor James Peters  
Councillor Caroline Selman

**LICENSING SUB-COMMITTEE C**

Councillor Sade Etti  
Councillor Margaret Gordon  
Councillor Peter Snell

**LICENSING SUB-COMMITTEE D**

Councillor Brian Bell  
Councillor Barry Buitekant  
(Vacancy)

**LICENSING SUB-COMMITTEE E**

Councillor Sophie Linden  
Councillor Emma Plouviez  
Councillor Simche Steinberger

Chairs to be appointed at each individual meeting of each Sub Committee.

All Members of Licensing Committee are appointed substitutes for all Licensing Sub-Committees.



<b>THE LATE NIGHT LEVY</b>	
<b>LICENSING COMMITTEE</b> <b>21 JUNE 2017</b>	<b>CLASSIFICATION:</b> <b>Open</b> <b>If exempt, the reason will be listed in the main body of this report.</b>
<b>WARD(S) AFFECTED</b> <b>All Wards</b>	
<b>GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING</b> <b>KIM WRIGHT</b>	

## **1. INTRODUCTION**

- 1.1 On 4 April 2016 the Licensing Committee considered a report on the powers to introduce the late night levy (“the LNL”). The Committee recommended that the Council should hold a consultation.
- 1.2 On 20 July 2016 the Council resolved to consult on a proposal to introduce the Late Night Levy (“the LNL”). This has been prepared to provide the Licensing Committee with an update on the position following the consultation.

## **2. RECOMMENDATION(S)**

### **2.1 The Licensing Committee is asked:**

- (i) **to note the contents of the report and appendices.**
- (ii) **to make a recommendation on whether or not the Council should introduce the late night levy.**

## **3. BACKGROUND**

- 3.1 Established under the Police Reform and Social Responsibility Act 2011, the LNL is a provision enabling licensing authorities to charge a levy 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 LNL can only apply to premises licensed to sell alcohol between the hours of midnight and 6am and must apply to the whole area covered by the licensing authority.
- 3.3 The LNL is paid annually by each premises licence 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 Police, with the remainder being retained by the Licensing Authority.
- 3.4 The local authority must use its portion of the LNL 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.
- 3.5 Before introducing the LNL, the Authority must consider the desirability of introducing the scheme and can demonstrate this by the level of crime

and disorder issues arising from licensed premises selling alcohol during the hours. The LNL must apply to the whole of the borough. The Authority therefore needs to consider whether the introduction of a borough wide levy is a proportionate response.

- 3.6 Prior to making a decision to introduce the LNL, the Authority should have discussions with the Chief Officer of police to decide whether it is appropriate to introduce it in its area. If the Authority considers it appropriate, it must then conduct a formal consultation with the police, existing licence holders and any other persons, including residents, about the introduction of a scheme.
- 3.7 The consultation should also consider whether the Authority needs to apply any exemptions or discounts and how it will apportion net revenue between the Police and the Authority. The decision whether or not to implement is left entirely to the discretion of the Council.
- 3.8 If introduced, the LNL applies to all the relevant premises authorised to supply alcohol (which includes both on and off sales) within the borough. The only exceptions are those set by central government that the Council can choose whether it wishes to adopt or not. The LNL will be collected at the same time as the annual licensing fee.
- 3.9 The following premises are those that the Authority may exempt from the requirement to pay the LNL:
  - Premises with overnight accommodation
  - Theatres and cinemas
  - Bingo halls
  - Community amateur sports clubs
  - Community premises
  - Country village pubs
  - Business Improvement Districts
- 3.10 The Authority must also decide what time the LNL will apply within an operational window that is restricted to between 12 midnight and 6 am. This is known as the late night supply period.

#### 4. HOW DOES THE LEVY WORK?

- 4.1 The LNL paid is dependent on the non-domestic rateable value of the premises. This is the same as the existing licence fee structure that is currently 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	£1259	£1365	£1493	£2730	£4440
--------------------	------	------	-------	-------	-------	-------	-------

\* 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.

4.2 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.

### The possible revenue that could be raised by the LNL

4.3 Table 2 sets out the possible levy that could be raised if a levy were to be introduced in Hackney. It should be noted that these figures were calculated in 2016 and will need to be updated prior to a formal decision by the Council.

Band	Number of premises	Band Fee	Estimated Maximum 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
<b>Total</b>	<b>399</b>		<b>£362,085</b>

4.4 There are 399 premises that are authorised to sell alcohol between 00:01 and 06:00. Figure 1 shows that these premises are spread across the borough and that the majority of which are in non-domestic rateable value band B. If applied for the period, possible maximum income would be £362,085.



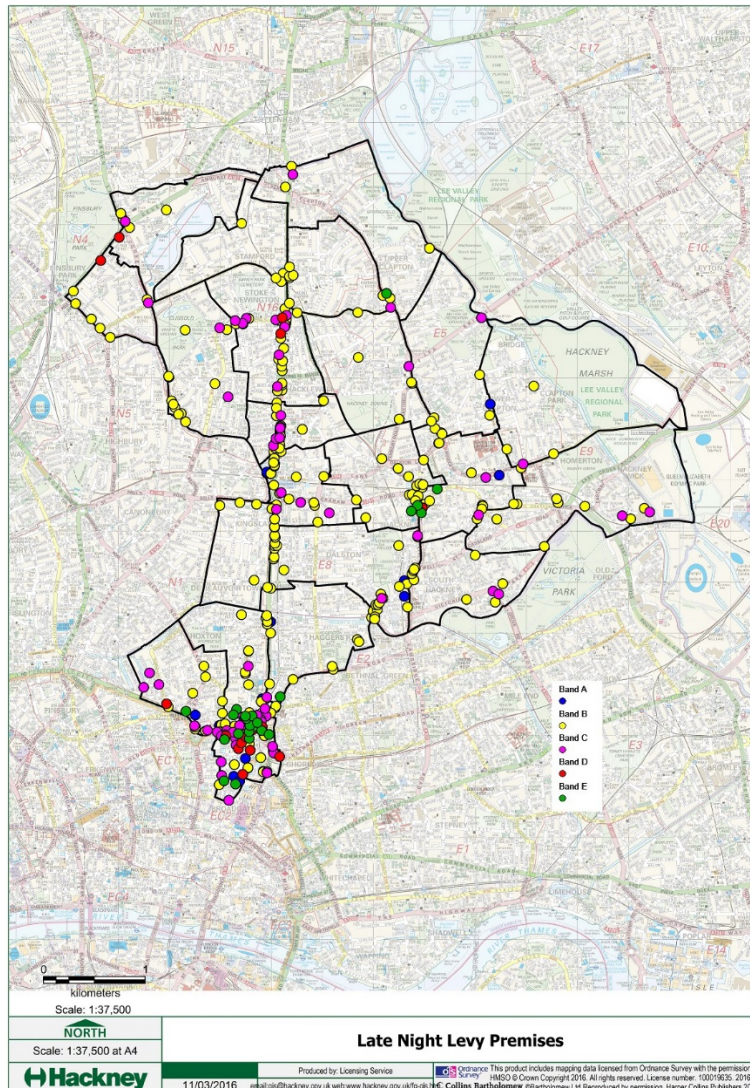


Figure 1. Late Night Levy premises

4.5 It should be noted that in the event of an LNL 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.

## 5. LATE NIGHT LEVY REVENUE

5.1 A key element of the LNL is the requirement that ‘a specified proportion’ of at least 70% of any net revenue collected must be paid to the Police. This appears to have made the introduction of a LNL unattractive in many areas, along with there being no requirement for the Police to use the income in the area in which it was collected.

5.2 However, in March 2015, the Home Office published amended guidance on the LNL. Para 1.41 recommends “...that the licensing authority should use its existing partnership with the police to discuss the police intentions for their share of the levy revenue. We also recommend that the PCC 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. There is no bar to making a local agreement between licensing authority and the PCC to vary the percentage split by allocating some or all of the PCC's share of the revenue back to local authority initiatives if the PCC so chooses."*

- 5.3 In London, this would mean that, subject to agreement from the Mayor's Office for Policing and Crime (MOPAC), the net revenue of the LNL may be pooled and a collaborative arrangement made between the Authority and the Police to oversee the use of the funds. It is considered best practise to have licensees represented on the board as well as the police and council.
- 5.4 A number of authorities have already put in place measures that mean the Authority effectively has greater control over the net revenue and that all (or almost all) of this revenue is spent on the management and policing of the night time economy.

### **Newcastle**

- 5.5 An LNL was introduced in November 2013. The income is still 70/30 between Northumbria Police and the City Council. However, an agreement was made that the income would be pooled and spent within the city of Newcastle upon Tyne. The agreement also includes the establishment of an LNL to supervise the use of the revenue and that licensees will be represented on the Board.

### **Islington**

- 5.6 Islington introduced the LNL in November 2014. The Council agreed with the MOPAC that the net amount of levy payments will be pooled and an LNL Board established to oversee the use of funds.

### **Camden**

- 5.7 Camden Council decided to introduce the LNL on 25 January 2016. It has proposed a similar arrangement in that all revenue received is used as a single fund between the Council and police, a proposal supported by Camden police, to be agreed through discussion with the MOPAC.

## **6. CONSULTATION**

- 6.1 The statutory consultation commenced on 13 February 2017 and concluded on 7 May 2017. A total of 1124 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.

- 6.2 The Council consulted on a late night supply period commencing 00:01 and concluding at 06:00. It was proposed that no exemptions or reductions would apply.
- 6.3 A total of 71 responses were received during the consultation period. This consisted of 62 survey responses and 9 open-ended submissions sent direct to the Licensing and Technical Support Service. A report with analysis of the consultation is appended to this document.

## 7. MATTERS FOR CONSIDERATION

- 7.1 The Policing and Crime Act 2017 came into effect on 3 April 2017. Subsequent provisions of the legislation are yet to commence. However, these will introduce amendments to the LNL provisions. These changes are:
- An authority will be able to apply the LNL to a specific area or part of its area rather than the whole of the authority area as at present.
  - An authority will be able to apply the LNL to premises that are authorised only to provide late night refreshment. For example, late night takeaways.
  - It will be possible to apply varying requirements in various parts of the authority area which will allow different late night supply periods.
  - Authorities will be required to publish information on how funds raised through the levy are spent.
- 7.2 On 25 May 2016 the House of Lords appointed an ad hoc Select Committee to undertake post-legislative scrutiny of the Licensing Act 2003. The Select Committee looked in detail at a number of areas of the Act and considered evidence from a significant number of key stakeholders in the process.
- 7.3 The Select Committee concluded its scrutiny on 4 April 2017. Its findings were particularly critical of the LNL provisions, with the Select Committee concluding:
- “...We believe on balance that it has failed to achieve its objectives, and should be abolished. However we recognise that the Government’s amendments may stand some chance of successfully reforming the Levy. We recommend that legislation should be enacted to provide that sections 125 to 139 of the Police and Social Responsibility Act 2011 and related legislation should cease to have effect after two years unless the Government, after consulting local authorities, the police and others as appropriate, makes an order subject to affirmative resolution providing that the legislation should continue to have effect.*

*“If the Government, contrary to our recommendation to abolish the Late Night Levy, decides to retain it, we further recommend that Regulations be made under section 131(5) of the Police Reform and Social*

*Responsibility Act 2011 amending section 131(4) of the Act, abolishing the current 70/30 split, and requiring that Late Night Levy funds be divided equally between the police and local authorities...”*

- 7.4 The Government is yet to respond to the Select Committee. However, in its response, the Local Government Association (LGA) said:

*“We disagree that the Late Night Levy should be scrapped as it has helped to address the shortfall in income that otherwise prevents councils from putting innovative ideas into practice. We would urge more time to be given to consider the effectiveness of late night levies applied to premises in more localised “hotspots”, rather than across whole local authority areas...”*

- 7.5 Other matters will also need to be considered ahead of the introduction of the LNL:

- Having considered the consultation comments, does the negative impact being experienced between 00:01 and 06:00 in the Borough warrant the introduction of the LNL??
- Would Hackney be able to reach agreement with MOPAC to pool any revenue collected?
- If a management board were to be established, how would this be established? What would be its terms of reference?
- How many licence holders would seek a variation to avoid paying the LNL therefore reducing the estimated gross income? An estimated 1% of licence holders sought a reduction in Islington.
- If any exemptions and deductions would apply locally. The Council consulted on there being no exemptions or deductions applied.

## **7. NEXT STEPS**

- 7.1 The decision to introduce a levy must be made by Full Council. If the Licensing Committee recommends that the Council introduce the LNL, the decision will be made on 26 July 2017.

## **8. COMMENTS OF THE CORPORATE DIRECTOR OF FINANCE AND RESOURCES**

- 8.1 This report seeks the Licensing Committee to make a recommendation on whether or not the Council should introduce the late night levy. The amount of the Late Night Levy (LNL) is set at National Level and will be collected alongside the annual licence fee.
- 8.2 The Licensing service estimated in 2016 that the existing 399 premises that are authorised to sell alcohol between midnight and 6am, would generate a maximum gross income of £362,085 (see paragraph 4) 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. Income would also reduce if the Council applies exemptions or reductions on certain occasions. These are explained in paragraphs 4.2.

- 8.3 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.
- 8.4 The current cost of the Night Time Economy is managed within the existing Council service budgets. If the Late Night Levy is adopted by the Council, the income received will fund additional expenditure incurred in managing the scheme.

## **9. COMMENTS OF THE DIRECTOR OF LEGAL SERVICES**

- 9.1 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.
- 9.2 Any levy imposed currently applies to all those in 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.
- 9.3 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 per cent, 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.
- 9.4 As set-out within paragraph 5 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.
- 9.5 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 4.1. 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.

- 9.6 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.
- 9.7 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.
- 9.8 The Policing and Crime Act 2017 has also amended the provisions relating to the Levy as set-out at paragraph 7.1 of the report. 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.
- 9.9 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" and 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;
- 9.10 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.
- 9.11 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.
- 9.12 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 (should this be the Council's

decision) 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** – Report on the Consultation.

**Appendix 2** – Table of open ended responses received.

## EXEMPT

Not applicable.

## BACKGROUND PAPERS

None

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

This page is intentionally left blank



# 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](mailto:consultation@Hackney.gov.uk)

# CONTENTS

## Introduction

## Background

## Consultation Approach

## Interpretation of Data

## Summary of Results

- 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 14<sup>th</sup> February 2017 and 7<sup>th</sup> 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 14<sup>th</sup> February to 7<sup>th</sup> 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**

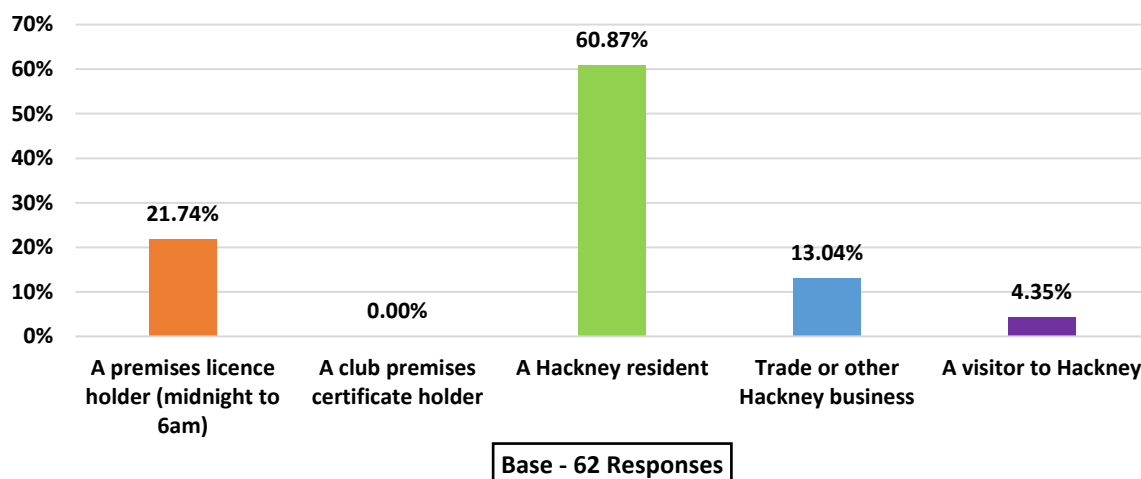
There was a very low response rate for this consultation, with only a total of 62 responses, and the majority being Hackney residents. As such, the results should be viewed with

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.

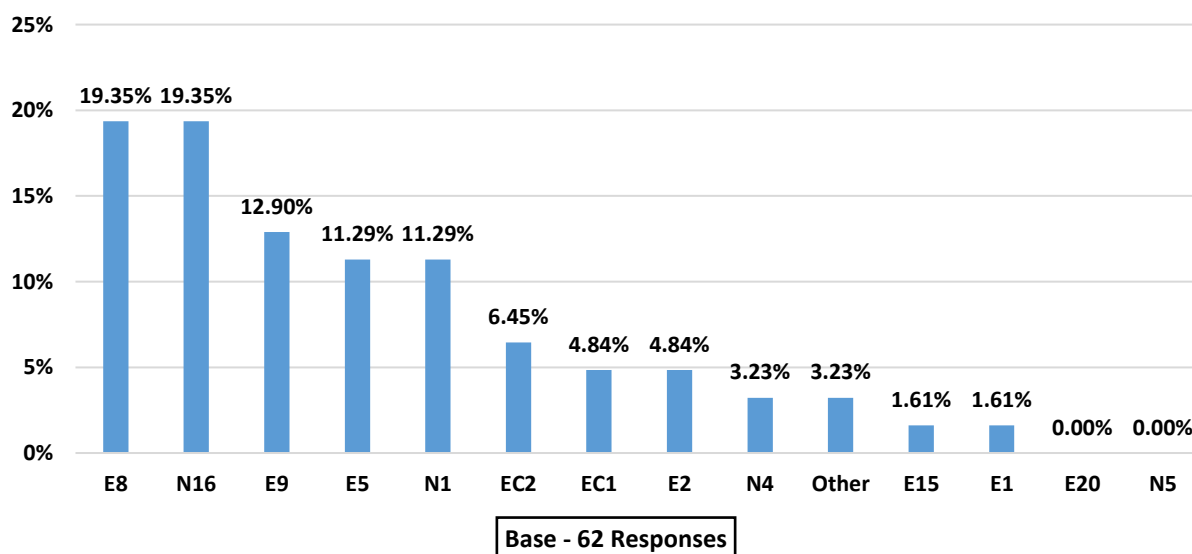
The detailed qualitative dataset (comments) will be shared with the Licencing Department.

### Summary of Results



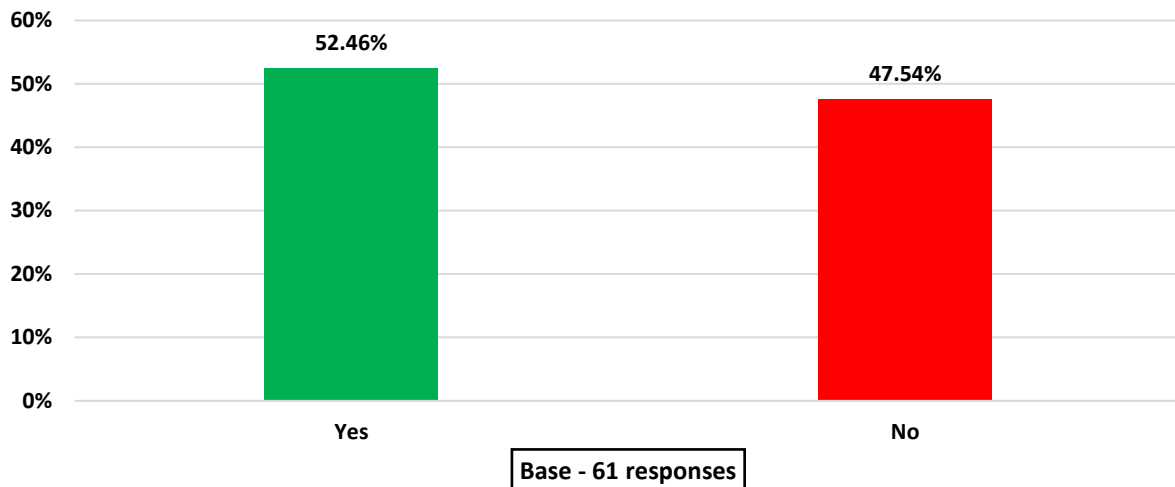
The majority of respondents were 'Hackney residents' (42), followed by 'premises licence holders' (15), 'trade or other Hackney business' (9) and then 'a visitor to Hackney' (3). Some respondents selected two options on the basis that they applied to them.

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.

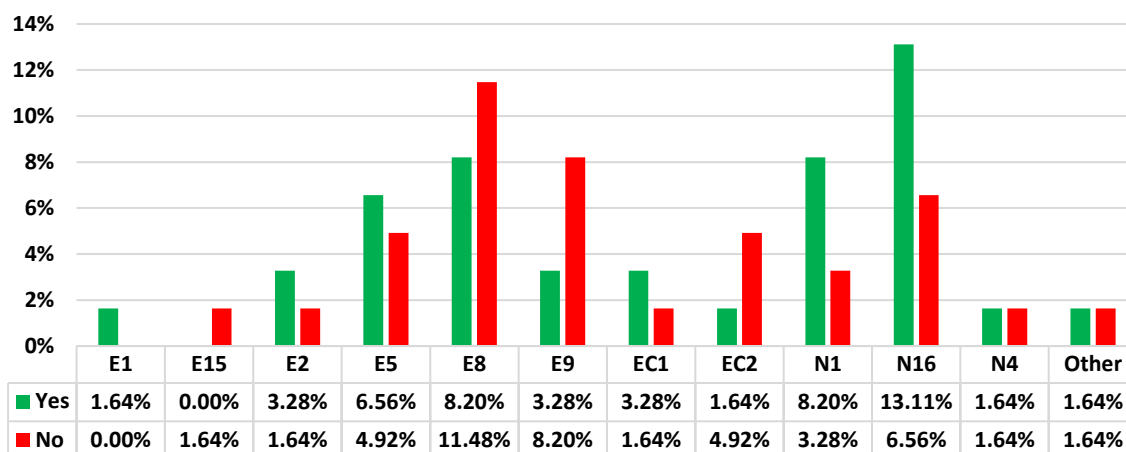
**Comments from respondents who said YES (verbatim comments)**

- *“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.

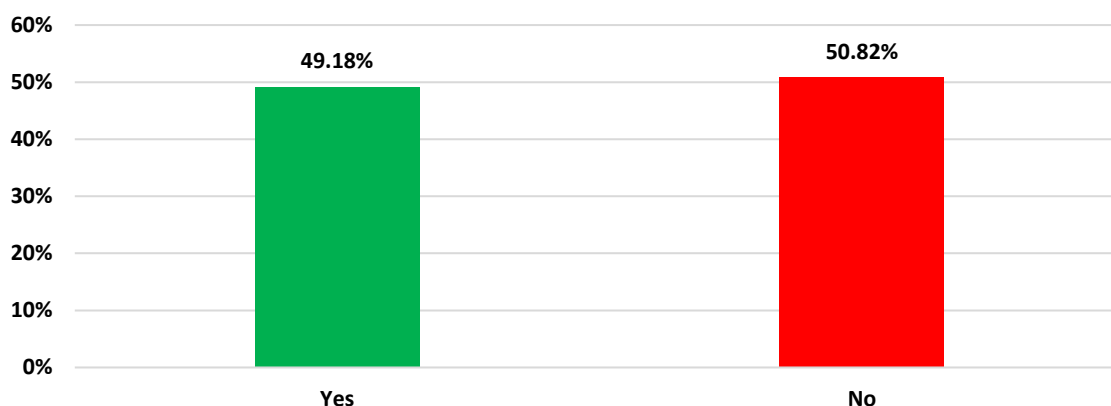


Base - 61 responses

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.)**



Base - 61 responses

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:-

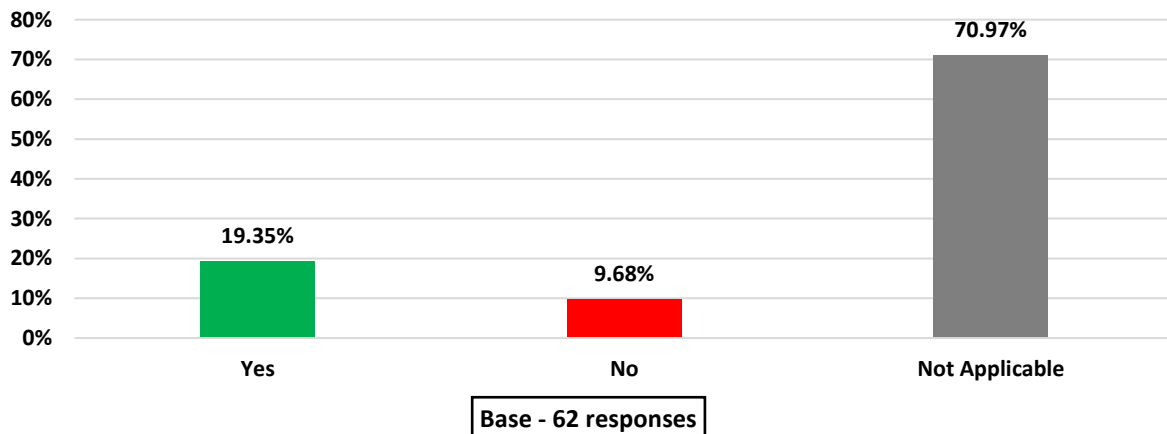
- 6pm to 6am (1 comment)

- 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)

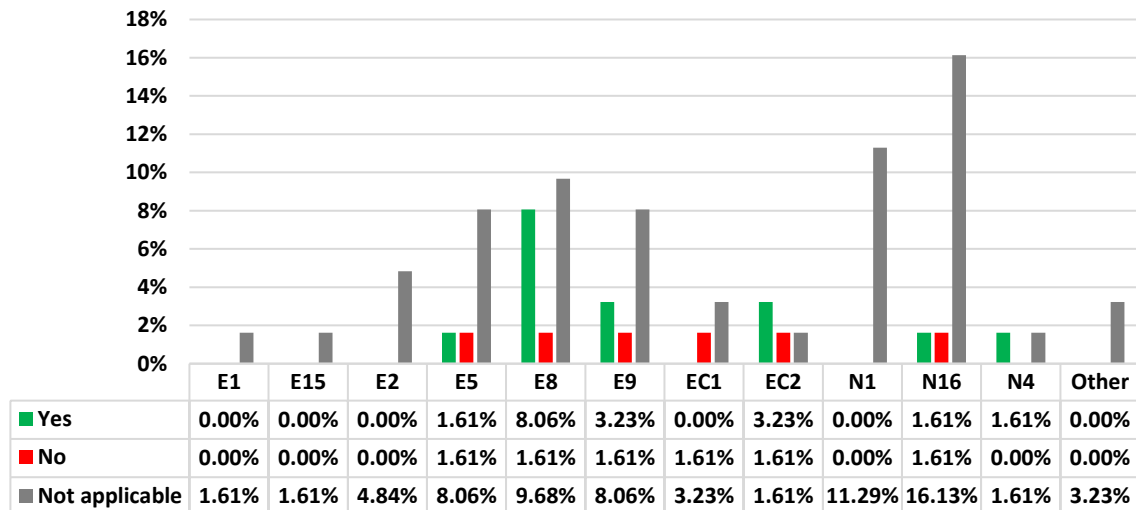
Some other comments made were based around those who opposed to the late night levy (verbatim comments):-

- *“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.

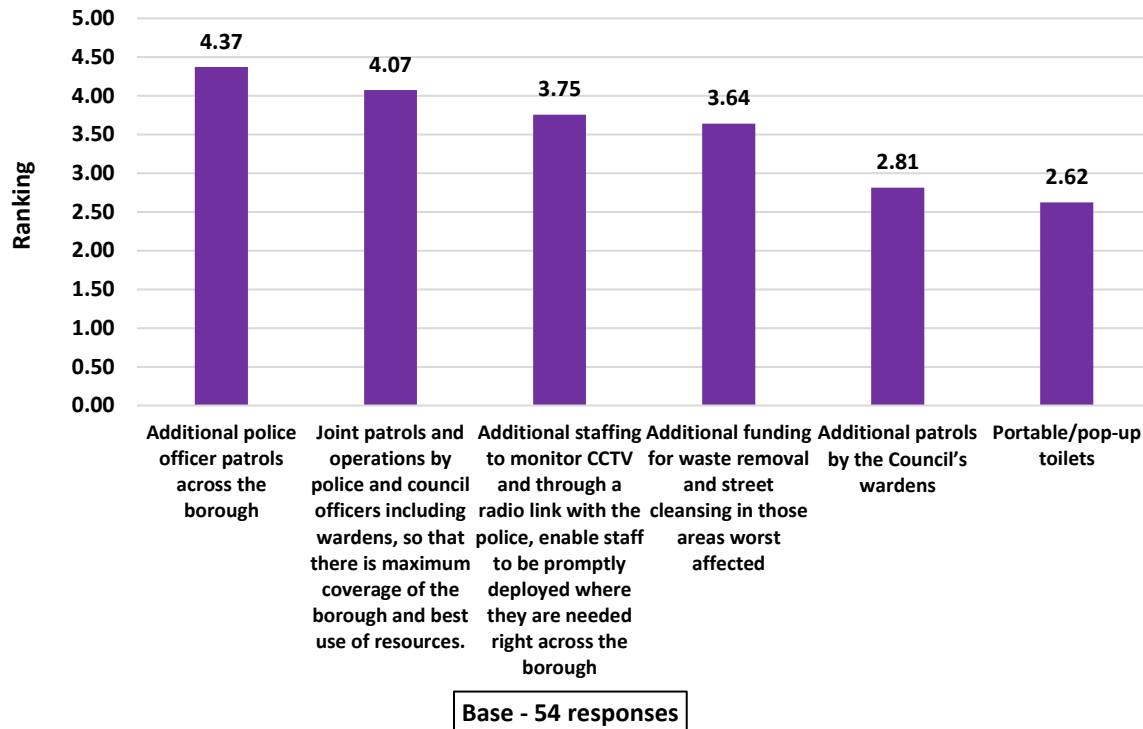
**If an LNL is introduced, Hackney Council will be working with the Police to find the best ways to spend the revenue raised. Please indicate your preferences for how the Council and Police should spend the funds raised from the levy**

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:

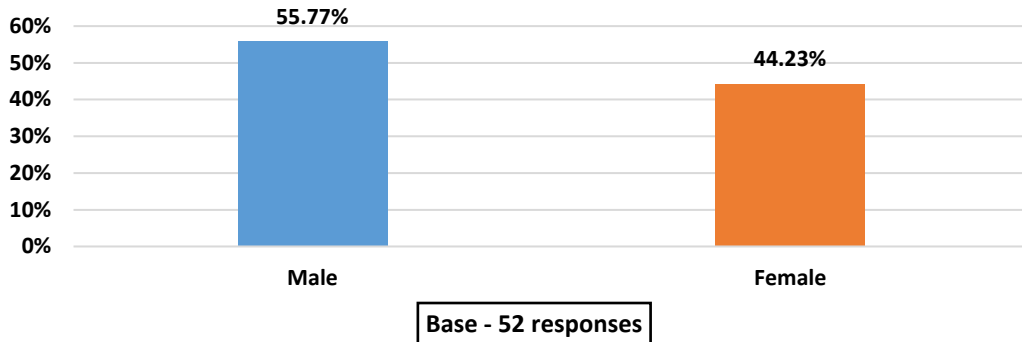
- *Will put businesses out of operation and cause them to close down, or lose revenue. (7 comments)*
- *Unfair if ASB/Crime cannot be linked to premises, as many control in their own ways to prevent such things happening. (5 comments)*
- *Unfair on premises that are not just based around alcohol, such 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)*

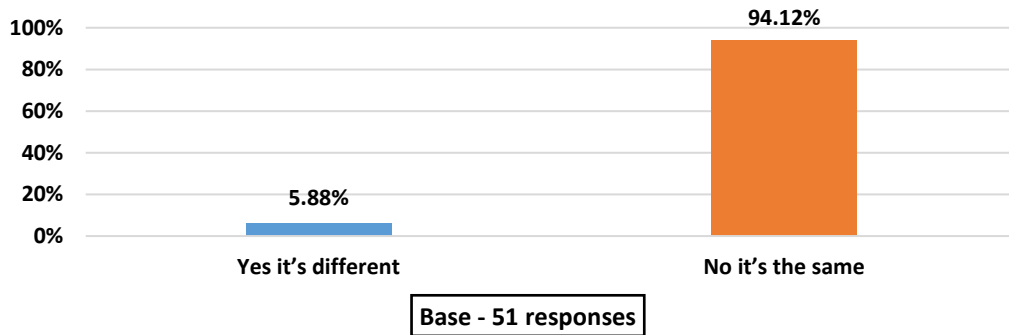
# Profile of Respondents

## Gender



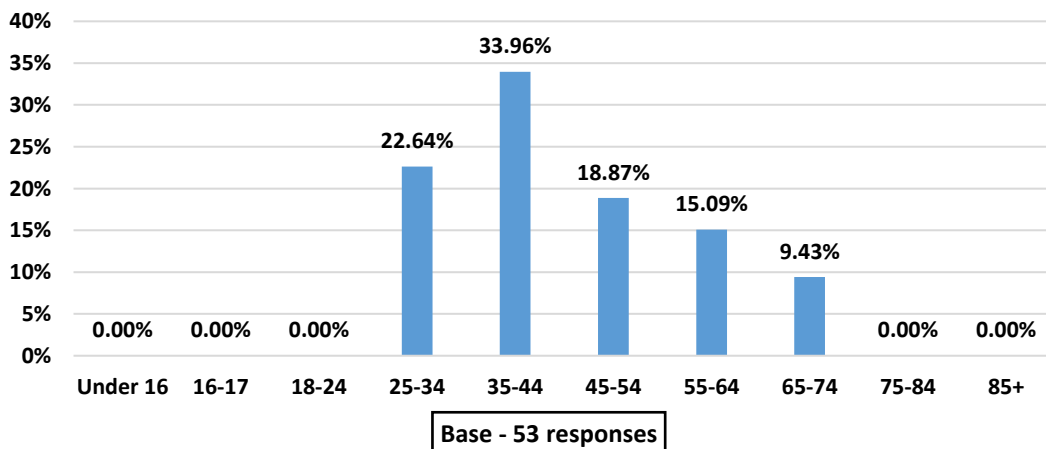
The chart above shows that more males (29) responded to the consultation than females (23). 10 respondents decided not to answer this question.

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



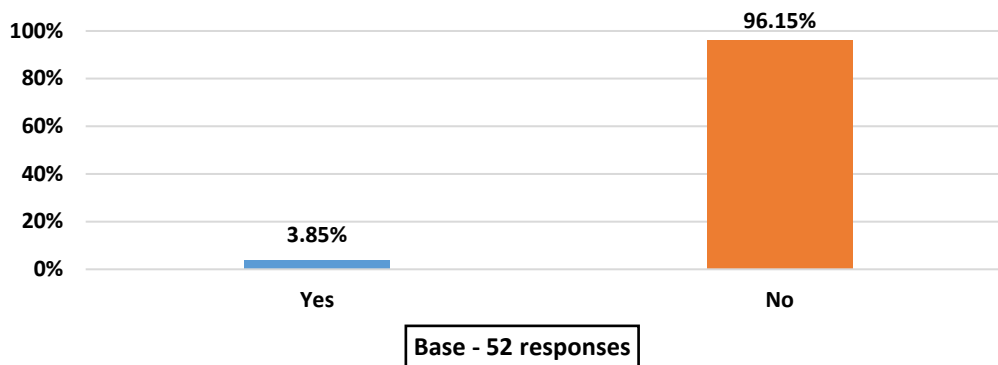
The majority of respondents stated that their gender identity was the same as it was at birth. This accounted for 94.12% (48) of responses, with 5.88% (3) saying it is different. 11 respondents decided not to answer this question.

## What is your age group?



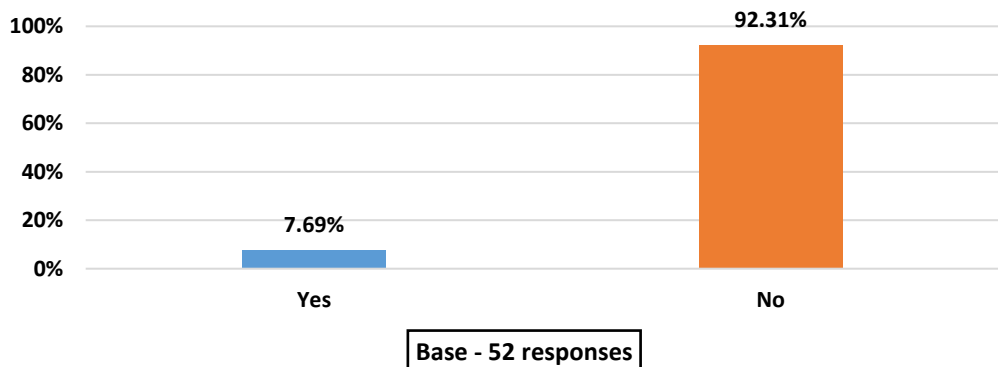
This consultation was responded to by people aged between 25 and 74. Most respondents were aged 35-44 (18), followed by 25-34 (12), 45-54 (10), 55-64 (8) and then 65-74 (5). 9 respondents decided not to answer this question.

### Do you consider yourself to be disabled?



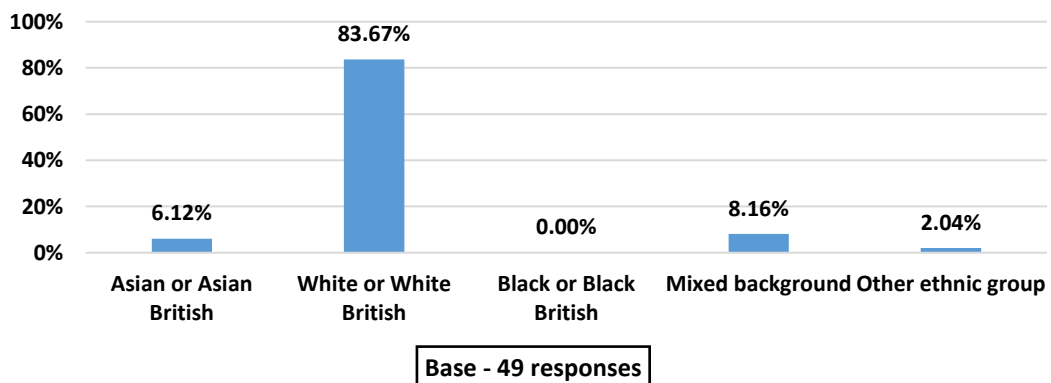
The majority of respondents stated that they did not consider themselves to be disabled. This accounted for 96.15% (50), with only 2 respondent stating that they were disabled. 10 respondents decided not to answer this question.

### Do you regularly provide unpaid support caring for someone?



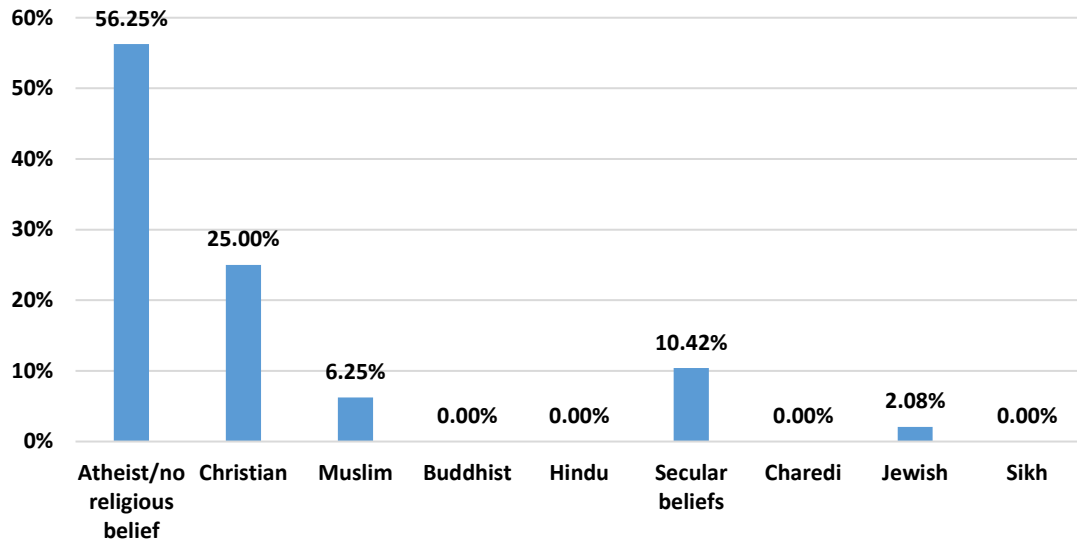
The majority of respondents stated that did not regularly provide unpaid caring support for someone. This accounted for 92.31% (48) of respondents, with 7.69% (4) stating that they did. 10 respondents decided not to answer this question.

### 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.

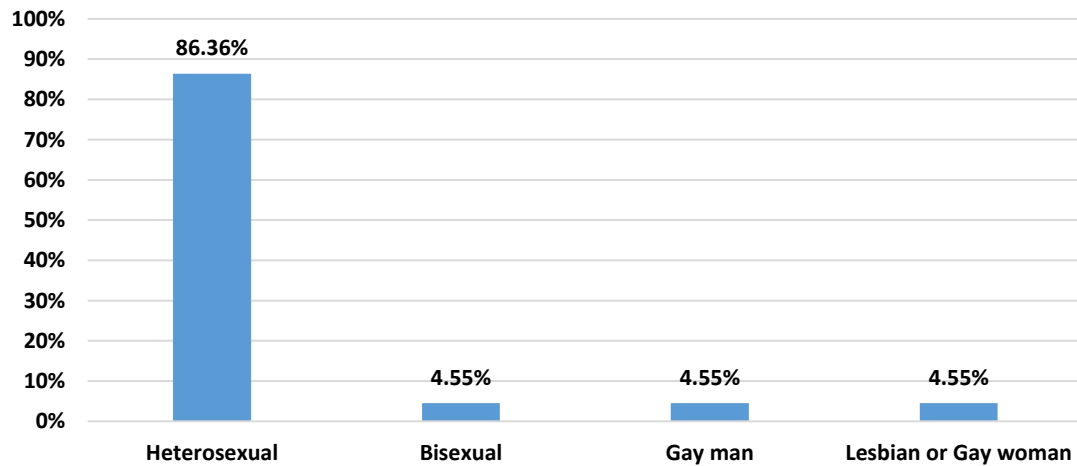
### Are you or do you have any religion or belief?



Base - 48 responses

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?



Base - 44 responses

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. The percentage difference stands at 4.92% which is a very small amount. 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 jump 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 &amp; 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 report<sup>1</sup> 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 report<sup>2</sup> 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 Strategy<sup>3</sup> and proposed in the current Policing and Crime bill<sup>4</sup>, which looks to increase levy flexibility. We therefore oppose the proposal to</p>



Received	Name/ Organisation	Text
		<p>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> <ul style="list-style-type: none"> <li>☑ Cheltenham Council is the first to repeal an established Late Night Levy in favour of a BID<sup>5</sup>. 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.</li> <li>☑ A 2013 report by Bristol City Council’s Licensing Policy Scrutiny Board<sup>6</sup> 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.</li> <li>☑ Leeds City Council also rejected a levy in 2013, with a report<sup>7</sup> by the Scrutiny Board labelling the legislation ‘fundamentally flawed, particularly in terms of flexibility and unfair costs for some licensed premises. The same report stated the Executive Board’s support for a city centre BID scheme</li> </ul>

Received	Name/ Organisation	Text
		<p>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"> <li>☑ 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 scheme<sup>8</sup>.</li> <li>☑ Weymouth &amp; 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,</li> </ul> <p>Dorset police highlighted that a BID was already in place and it was supporting the local Best Bar None scheme<sup>9</sup>.</p> <ul style="list-style-type: none"> <li>☑ 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.</li> <li>☑ 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 evaluation<sup>10</sup> by Kent University showed significant reductions in crime and anti-social behaviour as a result of the CAP.</li> </ul> <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 avoid the Levy. Such restrictions may discourage potential new businesses of all types from entering and diversifying the local night-time economy.</p>

Received	Name/ Organisation	Text
		<p>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 year<sup>11</sup>. 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 £9500<sup>12</sup>.</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 implementation<sup>13</sup>.</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 economy<sup>14</sup>. 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.</p> <p>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.</p> <p>We are not proposing to apply exemptions or reductions in Hackney. If you do not agree with our approach, please explain why.</p> <p>We disagree with this approach. If a levy is imposed, businesses should receive reductions for participating in local Business Improvement Districts. 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</p>

Received	Name/ Organisation	Text				
		<p>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 <a href="#">here</a>.</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 1234 1305 1294"> <tr> <td data-bbox="549 1234 715 1294">YES</td> <td data-bbox="718 1234 906 1294"></td> <td data-bbox="909 1234 1098 1294">NO</td> <td data-bbox="1101 1234 1305 1294">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 difficult, as the UK deals with leaving the European Union alongside the widening national deficit. The City of London recognises the importance of</p>	YES		NO	x
YES		NO	x			

Received	Name/ Organisation	Text
		<p>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><sup>1</sup>.</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 21<sup>st</sup> century”</i><sup>2</sup>.</p> <p>On the 4<sup>th</sup> 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 introduce 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><sup>3</sup>.</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 serving as a form of additional general taxation and is not being put towards its intended purpose”</i><sup>4</sup>.</p>

<sup>1</sup> [www.london.gov.uk/press-releases/mayoral/mayor-reveals-uks-first-ever-night-czar](http://www.london.gov.uk/press-releases/mayoral/mayor-reveals-uks-first-ever-night-czar)

<sup>2</sup> 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>

<sup>3</sup> 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>

<sup>4</sup> 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>

Received	Name/ Organisation	Text
		<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"<sup>5</sup>.</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"<sup>6</sup></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> <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</p>

<sup>5</sup> 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>

<sup>6</sup>[http://licensingresource.co.uk/sites/default/files/Late\\_Night\\_Levy\\_new\\_guidance\\_as\\_at\\_24\\_March\\_2015\\_final\\_.pdf](http://licensingresource.co.uk/sites/default/files/Late_Night_Levy_new_guidance_as_at_24_March_2015_final_.pdf)

Received	Name/ Organisation	Text
		<p>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><sup>7</sup>.</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 council<sup>8</sup>. 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><sup>9</sup>.</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> <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>

<sup>7</sup> 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>

<sup>8</sup> 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](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/416092/latenightlevy-newguidanceasat24March2015finaldoc.pdf) (access 10<sup>th</sup> March 2017)

<sup>9</sup> 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>

Received	Name/ Organisation	Text
		<p>The crime statistics for Hackney<sup>10</sup> 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<sup>11”</sup></i> . 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<sup>12”</sup></i></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. 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</p>

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

<sup>11</sup> [www.john-gaunt.co.uk/news/cheltenham-late-night-levy-or-bid](http://www.john-gaunt.co.uk/news/cheltenham-late-night-levy-or-bid)

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



Received	Name/ Organisation	Text				
		<p>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 abolished<sup>13</sup>”.</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 1133 1305 1193"> <tr> <td data-bbox="549 1133 715 1193">YES</td> <td data-bbox="718 1133 903 1193"></td> <td data-bbox="906 1133 1091 1193">NO</td> <td data-bbox="1094 1133 1305 1193">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 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>	YES		NO	x
YES		NO	x			

<sup>13</sup> 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>

Received	Name/ Organisation	Text						
		<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="549 421 1399 515"> <tr> <td data-bbox="549 421 715 515">YES</td> <td data-bbox="718 421 884 515"></td> <td data-bbox="887 421 1053 515">NO</td> <td data-bbox="1056 421 1238 515"></td> <td data-bbox="1241 421 1399 515">NOT APPLICABLE</td> <td data-bbox="1402 421 1426 515">x</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 marshals<sup>14</sup>”</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 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</p>	YES		NO		NOT APPLICABLE	x
YES		NO		NOT APPLICABLE	x			

<sup>14</sup> 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>

Received	Name/ Organisation	Text
		<p>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> <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.</p>

Received	Name/ Organisation	Text
		<p>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 initiating and supporting Business Improvement Districts and other alternative initiatives<sup>15</sup>”.</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,</p>

<sup>15</sup> 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>

Received	Name/ Organisation	Text
		<p>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.<sup>16</sup>”</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	<p>Dear Licensing,</p> <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</p>

<sup>16</sup> 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>

Received	Name/ Organisation	Text
		<p>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. 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, 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</p>

Received	Name/ Organisation	Text
		<p>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  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?  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 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</p>

Received	Name/ Organisation	Text
		<p>preferred option and 6 your least preferred option.  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: <a href="https://www.gov.uk/government/publications/amended-latenight-levy-guidance">https://www.gov.uk/government/publications/amended-latenight-levy-guidance</a>  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"> <li>• Premises with overnight accommodation (if alcohol is served to overnight guests only)</li> <li>• Theatre and cinemas (if alcohol is served to ticket holders to events only)</li> <li>• Bingo Halls</li> <li>• Small Business Rate Relief</li> </ul> <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.  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 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</p>



Received	Name/ Organisation	Text
		<p>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?  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 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 penal ising 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</p>

Received	Name/ Organisation	Text
		<p>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>