



# LICENSING COMMITTEE

Wednesday, 16th January, 2019

at 7.00 pm, Council Chamber, Mare  
Street, London E8 1EA

## Membership

Cllr Emma Plouviez (Chair), Cllr Brian Bell (Vice-Chair), Cllr Caroline Woodley, Cllr Gilbert Smyth, Cllr Sam Pallis, Cllr Sharon Patrick, Cllr Margaret Gordon, Cllr James Peters, Cllr Caroline Selman, Cllr Ian Rathbone, Cllr Sophie Conway, Cllr Sem Moema, Cllr Peter Snell and Cllr Harvey Odze

**TIM SHIELDS**  
Chief Executive

**Contact:**  
Gareth Sykes Governance Services Officer  
Tel: 0208 3561567  
Email: [gareth.sykes@hackney.gov.uk](mailto:gareth.sykes@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, 16th January, 2019**

### **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>Review of the Massage and Special Treatment licensing function</b>	<b>7 - 18</b>
<b>5</b>	<b>Late Night Levy - Report following the end of Year 1</b>	<b>19 - 32</b>
<b>6</b>	<b>WAVE Presentation</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 Director of Legal
- The Legal Adviser to the committee; or
- Governance Services.

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

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

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

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

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

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

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

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

- 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, Interim Director of Legal, on 020 8356 6234 or email [suki.binjal@hackney.gov.uk](mailto:suki.binjal@hackney.gov.uk)



FS 566728

## LICENSING COMMITTEE

WEDNESDAY, 17TH OCTOBER, 2018, ROOM 102, COUNCIL CHAMBER, HACKNEY TOWN HALL, MARE STREET

- Present:** Councillor Emma Plouviez in the Chair
- Cllr Brian Bell (Vice-Chair), Cllr Caroline Woodley,  
Cllr Gilbert Smyth, Cllr Sam Pallis,  
Cllr Sharon Patrick, Cllr Margaret Gordon,  
Cllr James Peters, Cllr Caroline Selman,  
Cllr Sophie Conway and Cllr Peter Snell
- Also in Attendance:**
- Observer** Councillor Aron Klein
- Officers:** Amanda Nauth, Licensing, Corporate and Planning Lawyer  
David Tuitt, Business Regulation Team Leader  
Butta Singh, Senior Lawyer Licensing and Corporate  
Gareth Sykes, Governance Services Officer
- Apologies:** Cllr Ian Rathbone and Cllr Sem Moema

### **1 Apologies for Absence**

- 1.1 Apologies for absence were given by Councillor Sem Moema and Councillor Ian Rathbone.

### **2 Declarations of Interest - Members to declare as appropriate**

- 2.1 There were no Declarations of Interest.

### **3 Minutes of the Previous Meeting**

- 3.1 **RESOLVED** the minutes of the previous meeting, held on 2<sup>nd</sup> July 2018, were agreed as an accurate record.

#### Minute 7 Any Other Business – Justin Farley

- 3.2 The Licensing Committee noted that Licensing, Corporate and Planning Lawyer, Amanda Nauth, had replaced Justin Farley in Legal Services. Committee members welcomed Amanda to the meeting.
- 3.3 Some of the committee members raised concerns about test purchases not being as rigorous as they should be. Members and council staff agreed they would be included on the agenda for the next meeting in January.

#### Licensing Appeals

- 3.4 Licensing Committee members noted the brief update from the Legal Officer on the latest developments on licensing appeals.

**RESOLVED** The Metropolitan Police Service' s (MPS') Central Licensing Team would give a WAVE presentation at the next Licensing Committee meeting on the 16<sup>th</sup> January 2019. Test purchases would also be discussed with the MPS during this part of the meeting.

**RESOLVED** Licensing Committee members would give an update at the 16th January 2018 Licensing Committee meeting on the current status and work of the Licensing Sub-Committees.

#### **4 Licensing Service Annual Report**

- 4.1 David Tuitt, Business Regulation Team Leader (Licensing and Technical Support) introduced the report updating the Committee on the activities and performance of the Licensing Service during the 2017/18 municipal year. The report also outlined the aims and targets for the forthcoming 2018/19 year.
- 4.2 Members noted in the report the number Premises licences granted between 2013 and 2018. Members also noted that the number of new licences that had been granted remained unchanged from last year. According to the report, the number of minor variations, members noted, had increased by 72 percent when compared to previous years. The Licensing Service attributed this to the introduction of the Late Night Levy in 2017.
- 4.3 The committee noted in the report that the number of betting licenses continued to fall and they were now at their lowest level since Hackney Council took over responsibility of gambling licensing in 2007. Members also noted that the majority of Massage and Special Treatment (MST) licences comprised of applications to renew existing licences issued in a previous year. The Licensing Service explained that the number of premises was now at its highest. The committee also noted from the figures that the amount of correspondence being received by the Licensing Service remains stable.
- 4.4 On enforcement, the committee noted that the Licensing Service was trying to work towards implementing a more robust set of activities.
- 4.5 In a response to a question from the committee, David Tuitt confirmed that treatments, such as physiotherapy, for example, were not covered by MST licences. The types of businesses covered by the MST were businesses that involved non-intrusive cosmetic treatment e.g. Nail Bars. Physiotherapists, Botox treatment and implants were separate and covered by other legislation and bodies, for example the British Medical Association (BMA).
- 4.6 On MST licences the committee noted that across London in recent years there had been seen an increase in the number of businesses specialising in cosmetic treatments, in fact several luxury housing developments now included some form of cosmetic treatment centre on site.
- 4.7 On Temporary Event Notices (TENs), David Tuitt explained that the overall number of TENs was up from last year. This trend was despite Home Office guidance suggesting late TENs are to "assist premises users who are required for reasons outside their control to, for example, change the venue for event at short notice".
- 4.8 Responding to a question from the committee on enforcement, David Tuitt replied that the service was running smoothly and that the reactive side was working well, however, they recognised that they needed to be more proactive. Enforcement Officers were not



expected to attend Licensing Sub-Committee meetings but some recent reviews of licensing applications have included input from enforcement.

- 4.9 Committee members raised a query about pop up stores citing the example of the Channel 4 Programme “Tattoo Fixers”, which was filmed in the borough of Hackney. Members noted that the tattoo parlour featured in the programme did not operate as a licensed premises but the tattoo artists featured were licensed by the council.
- 4.10 On the issue of Nail Bars, David Tuitt explained that because of the treatments taking place the premises licence would have to be displayed.
- 4.11 In light of the up and coming fireworks night, committee members enquired about the licensing of the sale of fireworks. David Tuitt explained that the public could only buy fireworks (including sparklers) from registered sellers for private use between the 15th October and the 10th November. Seven shops were licensed to sell fireworks in the Hackney borough.
- 4.12 Committee members, on closer examination of the report identified a number of amendments to its contents including:
- Under section 2. Licensing Act 2003, the Premises licenses granted chart was to include total number of premises licenses granted
  - Section 3. Gambling Act 2005, the text at the bottom of the chart was to be updated to include the total number of betting licences prior to Hackney Council taking over responsibility of gambling licensing in 2007
  - Appendix, Licensing Service – Summary Table, the figures and percentages for 13/14 to 17/18 were to be updated as it was thought there were discrepancies in the final figures and percentages quoted in the tables
  - The Review applications table was to include a glossary of the codes included in the 2013/14 column
  - It would be useful to include some statistics on those businesses that had closed down along with the reasons why they had closed down

**RESOLVED** The Licensing Committee noted the Licensing Service’s 2017/18 Annual Report, subject to the following amendments:

- Under section 2. Licensing Act 2003, the Premises licenses granted chart was to include total number of premises licenses granted
- Section 3. Gambling Act 2005, the text at the bottom of the chart was to be updated to include the total number of betting licences prior to Hackney Council taking over responsibility of gambling licensing in 2007
- Appendix, Licensing Service – Summary Table, the figures and percentages for 13/14 to 17/18 were to be updated as it was thought there were discrepancies in the final figures and percentages quoted in the tables
- The Review applications table was to include a glossary of the codes included in the 2013/14 column

## **5 Gambling Act 2005 Statement of Principles**

- 5.1 David Tuitt introduced the report on the Gambling Act 2005 and the review of the Gambling Statement of Principles following the statutory consultation. Members at the

previous Licensing Committee meeting approved the consultation. The consultation process ran between 23rd July and 14th September 2018 with 15 responses received.

- 5.2 Members noted that the maps contained with the draft gambling statement of principles 2019-22 would be updated before the Cabinet and Council meetings. The committee noted that the consultation had attracted a limited number of responses.
- 5.3 Councillor Selman reminded committee members, in relation to Fixed Odds Betting Terminals (FOBTs), that Hackney Council would be participating in a joint campaign with other local authorities, to time with the Treasury's autumn budget statement, in a bid to remind the government of the urgency in implementing its FOBTs policy.
- 5.4 Committee members briefly discussed the consultation process. The Licensing Service, as part of the consultative process, the details were published in Hackney Today and on the Council's website. Council officers had also sent correspondence to statutory bodies and authorities as well as holders of relevant authorisations and other interested parties. To the Licensing Service the low number of responses had not been surprising.
- 5.5 Committee members briefly discussed the growing issue of problem gamblers. David Tuitt commented that the Licensing Service could not specifically, as part of its policies, work with premises to address this issue.
- 5.6 Committee members noted the Licensing Committee chair's foreword in the draft paper recommending that Hackney Council be given powers to tackle the clustering of gambling premises in the borough. David Tuitt replied that the Licensing Service did not have a specific policy on clustering. Prior to the Gambling Act 2005, premises licences was subject to a "demand test", however, it was felt that this would restrict new trade so the 2005 act removed the demand test.
- 5.7 In response to question on test purchases, David Tuitt confirmed that the Licensing Service did occasionally run them in relation to betting shops.
- 5.8 Some of the committee members recommended in the future, to avoid a low number of responses, that consultations needed to have more evidence to back up their findings. Members also suggested at the same time that Councillors also needed to engage more with their local communities about these consultations.
- 5.9 Committee members noted that the gambling policy had not changed significantly since its last legal review in 2016.

**Resolved** The Licensing Committee note the content of the report, proposed policy at Appendix 1 and commended the proposed policy to Cabinet for recommendation to Full Council for approval subject to following:

- the maps contained in the report being updated
- one small amendment to the content of the consultation summary report.

**Resolved** The Licensing Committee noted the report on the consultation at Appendix 2.

**Resolved** The Licensing Committee authorised the Group Director of Neighbourhoods and Housing to make any non-substantive changes to the proposed Policy as appropriate.

## 6 Proposed Pre-Application Advice Service - Pilot Scheme

- 6.1 David Tuitt introduced a report on the proposed pilot pre-application advice service for persons/businesses engaging with the Licensing Service. Officers in the Council's Licensing Service have been working with colleagues in the Chief Executive's Directorate for a number of months to develop a licensing pre-application advice facility. This was one part of a series of Council-wide activities aimed at improving the experience of new and existing businesses, allowing for a more streamlined and straightforward interaction.
- 6.2 The committee noted from the report the various the levels of service that would be available through the scheme: check and send (A), check and send (B), pre-application advice given at the Hackney Service Centre and Pre-application advice given on applicant site. The Licensing Service was of the view that the scheme would be of benefits to applicants and it was also felt that it would save on administration costs and it also may help to recover costs as well. Officers would initially operate an unpaid pilot to test the workings of the service and gather feedback from applicants and other stakeholders. Committee members noted that at this stage it was unclear whether it would be a paid service going forward.
- 6.3 Committee members raised a number of concerns about the scheme; Dalston was cited as an example of where there had been a recent surge in the applications from new businesses, it was important that Hackney Council ensured that any scheme working with businesses was free and did not stifle emerging businesses. Furthermore, by having a paid scheme the Hackney Council may be open to accusations from local residents that applicants were 'buying their way to approval'.
- 6.4 David Tuitt replied by stressing the benefits of the scheme; to provide consistent advice to applicants in order to lead them to the correct questions to ask when meeting the Responsible Authorities.
- 6.5 Licensing Committee members agreed that the design and communications about the pilot scheme needed to be managed carefully. The emphasis would be on supporting businesses through the scheme not restricting them with burdensome bureaucracy. Applicants would also be supported through Launchpad as well as guidance notes. Committee members agreed that the council would need to monitor applicants to see how they respond to the scheme.
- 6.6 Committee members noted that fees would be calculated according to officer time and compared to other boroughs, Hackney's fees were relatively low.  
David Tuitt explained that in relation to fees the Licensing Service would examine each application on a case by case basis.
- 6.7 Committee members raised concerns about whether six weeks was sufficient consultation time for the pilot scheme. David Tuitt explained that six weeks was the standard consultation period. The Licensing Service would make clear on the Hackney Council website and in any published documentation that the council would not be making a profit from this scheme.
- 6.8 Some of the committee members re-iterated their concerns about the scheme as it would discourage those small start-up businesses, because of the extra cost involved, when they have limited budgets. David Tuitt replied that Launchpad, a central hub signposting all the relevant licensing service information, would go some way to addressing this issue by assisting prospective applicants in the application process.

6.9 Committee members suggested, as part of the pilot scheme, including some mechanism by whereby to capture feedback from applicants on how they would engage with the scheme if they were charged a fee.

**Resolved** Licensing Committee noted the contents of the report (subject to amendments to paragraphs 7.3 and 7.4 of the report).

**Resolved** Council Officers would work with the Hackney Council's Communications team to produce some form of email communication on the Pre-Application Advice Pilot Scheme, to be circulated to the Licensing Committee for comments prior to its publication.

## 7 **Any Other Business**

### Plastic cups

7.1 In a response to a question from the committee members, David Tuitt explained that there was not a specific condition on the recycling of plastic cups. Some of the committee suggested that it could be linked to the licensing objective on the Prevention of Public Nuisance. Some of the committee members added that the licensing objectives originated from primary legislation, so for any change to occur, to take into account sustainability and environmental issues, would require the lobbying of government.

### Chairing Skills

7.2 Committee members noted the briefing paper from Legal services on assisting councillors in effectively chairing a Licensing Sub-Committee hearing.

### Judicial Review

7.3 Legal Services updated committee members on a Judicial Review (JR) called by the We Love Hackney residents group against Hackney Council. The group had campaigned against the council's licensing policy. The committee noted, however, that the JR was not issued specifically in relation to licensing policy.

**Duration of the meeting:** 19:00 – 21:10 hours

Councillor Emma Plouviez, Chair at the meeting on  
Wednesday, 17 October 2018



<b>REVIEW OF THE MESSAGE AND SPECIAL TREATMENT LICENSING FUNCTION</b>	
<b>LICENSING COMMITTEE</b>  <b>16 JANUARY 2019</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 This report has been prepared to provide the Licensing Committee with information and an update on the reform of the Massage and Special Treatment licensing function.

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

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

- (i) to note the contents of the report and the Appendices**
- (ii) to approve the proposed changes to the Massage and Special Treatment licensing function**

## **3. BACKGROUND**

- 3.1 Licensing of massage and special treatment (“MST”) is a discretionary power under the London Local Authorities Act 1991. Persons and/or businesses carrying on these types of activity have required authorisation from the Council following adoption of the provisions under Act in the mid-nineties.
- 3.2 “Massage and special treatment” include any beauty treatment that involves massage, manicure, acupuncture, tattooing, cosmetic piercing, chiropody, light treatments, electrical treatments and other similar treatments. It also includes saunas, steam rooms and other baths.
- 3.3 The Licensing Service accords to the list of treatments determined by the ‘Special Treatment Group’. This is made up of representatives from the majority of the 32 London Boroughs and meets approximately once a quarter.
- 3.4 A list which details the treatments defined is attached as Appendix 1.

## **4. PURPOSE OF THE REVIEW**

- 4.1 The Licensing Service have sought to review the MST licensing function with a view to:
- Simplifying the process for applicants by reviewing and updating the various elements of the function
  - Review and update the local regulations and guidelines
  - Allow flexibility for persons wishing to carry on activities on a temporary basis
  - Reduce red tape
  - Update the fee structure
  - Ensure the function is consistent with the European Services Directive 2009 and the Provision of Services Regulations 2009
  - Reduce the number of submissions made offline and reintroduce an online application process
  - Align the application processes with the forthcoming ‘Business Launchpad’ and ‘Business Landing Pad’ which will seek to make it easier to start up and grow businesses in the Borough.

## 5. CURRENT APPLICATION PROCESSES

5.1 Streamlining the process enables officers to eliminate multiple site visits by various regulatory service areas thereby increasing overall efficiency. It will also allow officers to continue to deliver high quality services to residents and visitors in an increasingly challenging economic climate.

5.2 The table below sets out the documentation currently required for the various application types submitted to the Licensing Service.

Type	Application requirements	Consultees <i>*Indicates a statutory consultee</i>
New premises licence	<ul style="list-style-type: none"> <li>• Application form</li> <li>• Electrical Installation Certificates. (Dated within 5 Years of Application)</li> <li>• Emergency Lighting Test Certificate. (Dated within 1 Year of Application)</li> <li>• Proof of a minimum £ 2,000,000 Public Liability Insurance.</li> <li>• Fire Extinguisher/Hand Fire Equipment Test Certificate. (Dated within 1 Year of Application)</li> <li>• Fire Alarm Test Certificate. (Dated within 1 Year of Application)</li> <li>• Gas Safety Certificate. (If applicable) (Dated within 1 Year of Application)</li> <li>• Trade waste agreement/Waste transfer note. (Dated within 1 Year of Application)</li> <li>• Clinical waste agreement. (If applicable) (Dated within 1 Year of Application)</li> <li>• 2 copies of floor plans.(Scale 1:100 or 1:150)</li> <li>• Proof of Planning permission</li> </ul>	<ul style="list-style-type: none"> <li>• Police*</li> <li>• London Fire Brigade*</li> <li>• Environmental Health</li> <li>• Environmental Protection</li> <li>• Planning</li> <li>• Building Control</li> <li>• Pollution/Waste</li> </ul>
Renewal of existing premises licence	<ul style="list-style-type: none"> <li>• Application form</li> <li>• Electrical Installation Certificates. (Dated within 5 Years of Application)</li> <li>• Emergency Lighting Test Certificate. (Dated within 1 Year of Application)</li> <li>• Proof of a minimum £ 2,000,000 Public Liability Insurance.</li> <li>• Fire Extinguisher/Hand Fire Equipment Test Certificate. (Dated within 1 Year of Application)</li> <li>• Fire Alarm Test Certificate. (Dated within 1 Year of Application)</li> <li>• Gas Safety Certificate. (If applicable) (Dated within 1 Year of Application)</li> </ul>	<ul style="list-style-type: none"> <li>• Police*</li> <li>• London Fire Brigade*</li> <li>• Environmental Health</li> <li>• Environmental Protection</li> <li>• Planning</li> <li>• Building Control</li> <li>• Pollution/Waste</li> </ul>

Type	Application requirements	Consultees <i>*Indicates a statutory consultee</i>
	<ul style="list-style-type: none"> <li>• Trade waste agreement/Waste transfer note. (Dated within 1 Year of Application)</li> <li>• Clinical waste agreement. (If applicable) (Dated within 1 Year of Application)</li> </ul>	
Variation of existing premises licence	<ul style="list-style-type: none"> <li>• Application form</li> <li>• Electrical Installation Certificates. (Dated within 5 Years of Application)</li> <li>• Emergency Lighting Test Certificate. (Dated within 1 Year of Application)</li> <li>• Proof of a minimum £ 2,000,000 Public Liability Insurance.</li> <li>• Fire Extinguisher/Hand Fire Equipment Test Certificate. (Dated within 1 Year of Application)</li> <li>• Fire Alarm Test Certificate. (Dated within 1 Year of Application)</li> <li>• Gas Safety Certificate. (If applicable) (Dated within 1 Year of Application)</li> <li>• Trade waste agreement/Waste transfer note. (Dated within 1 Year of Application)</li> <li>• Clinical waste agreement. (If applicable) (Dated within 1 Year of Application)</li> </ul>	<ul style="list-style-type: none"> <li>• Police*</li> <li>• London Fire Brigade*</li> <li>• Environmental Health</li> <li>• Environmental Protection</li> <li>• Planning</li> <li>• Building Control</li> <li>• Pollution/Waste</li> </ul>
Transfer of premises licence	<ul style="list-style-type: none"> <li>• Application form</li> <li>• Proof of a minimum £2,000,000 Public Liability Insurance.</li> </ul>	<ul style="list-style-type: none"> <li>• Police*</li> <li>• London Fire Brigade*</li> </ul>
Exempt premises licence	<ul style="list-style-type: none"> <li>• Application form</li> <li>• Proof of valid membership</li> <li>• Qualifications</li> </ul>	<ul style="list-style-type: none"> <li>• Validation of membership via body</li> </ul>
MST Practitioner licence	<ul style="list-style-type: none"> <li>• Application form</li> <li>• Qualifications</li> </ul>	<ul style="list-style-type: none"> <li>• Police</li> </ul>
Exempt MST practitioner licence	<ul style="list-style-type: none"> <li>• Application form</li> <li>• Proof of valid membership</li> <li>• Qualifications</li> </ul>	<ul style="list-style-type: none"> <li>• Validation of membership via body</li> </ul>

## 6. PROPOSED APPLICATION PROCESSES

6.1 The Licensing Service proposed to base the function on 'Category A' and 'Category B' activities. Essentially, 'Category A' activities carry an increased



risk to public safety. These are activities such as tattooing, tanning and lasers/intense pulsed light (IPL) which need increased officer involvement due to routine inspections and monitoring.

6.2 'Category B' activities such as manicure, pedicure and sauna carry a lesser risk, however do still require inspections and monitoring.

6.3 The proposed streamlined application processes designed to make application processes far less burdensome. Application requirements are outlined in the table below:

Type	Application requirements	Consultees
New premises licence	<ul style="list-style-type: none"> <li>• Application form</li> <li>• 1 copy of floor plan. (Scale 1:100 or other agreed scale)</li> <li>• Fire Risk Assessment</li> <li>• Local Rules documentation provided by a registered Laser Protection Advisor (for activities involving laser/IPL only)</li> </ul>	<ul style="list-style-type: none"> <li>• Police*</li> <li>• London Fire Brigade*</li> <li>• Environmental Health</li> </ul>
Renewal of existing premises licence	<ul style="list-style-type: none"> <li>• Application form</li> </ul>	<ul style="list-style-type: none"> <li>• Police*</li> <li>• London Fire Brigade*</li> <li>• Environmental Health</li> </ul>
Variation of existing premises licence	<ul style="list-style-type: none"> <li>• Application form</li> <li>• Any additional documentation in relation to variation of treatments/activity on the premises. E.g. (Qualifications/Plans)</li> </ul>	<ul style="list-style-type: none"> <li>• Police*</li> <li>• London Fire Brigade*</li> <li>• Environmental Health</li> </ul>
Transfer of premises licence	<ul style="list-style-type: none"> <li>• Application form</li> </ul>	<ul style="list-style-type: none"> <li>• Police*</li> <li>• London Fire Brigade*</li> <li>• Environmental Health</li> </ul>
Exempt premises Registration	<ul style="list-style-type: none"> <li>• Application form</li> <li>• Proof of valid membership</li> <li>• Qualifications</li> </ul>	<ul style="list-style-type: none"> <li>• Validation of membership via body</li> </ul>
MST Practitioner Registration	<ul style="list-style-type: none"> <li>• Application form</li> <li>• Qualifications</li> </ul>	<ul style="list-style-type: none"> <li>• Police</li> </ul>
Exempt MST practitioner Registration	<ul style="list-style-type: none"> <li>• Application form</li> <li>• Proof of valid membership</li> <li>• Qualifications</li> </ul>	<ul style="list-style-type: none"> <li>• Validation of membership via body</li> </ul>

### **MST Practitioners**

- 6.4 In addition to the licensing of premises, any individual person who physically carries out any of the functions listed in Appendix 1 require registration. Currently, this registration will allow the practitioner to work at any premises licensed by the Council for a period of three years.
- 6.5 The Licensing Service are proposing only minor changes to this established activity. This is mainly to clarify that a person is “registered” as a practitioner rather than “licensed” and some other minor changes to the application requirements.

### **Exemptions**

- 6.6 Provisions under Part II, Section 4 of the Act enables members of recognised Professional Bodies to be register to be exempted from the various application requirements. Historically, the Licensing Service has not charged any fee to persons seeking to register. However, two new fees for both exempt premises and exempt practitioners will be introduced to enable cost recovery of this activity.

### **Temporary activities**

- 6.7 The Licensing Service propose to introduce a new system of temporary licensing. This will enable an operator to apply for and be granted a short term licence not exceeding 3 months. This new process will further support and offer flexibility to businesses by removing the need for a full 12 month licence whilst maintaining public safety.

## **7. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES**

- 7.1 This report provides the Licensing Committee with an update on the reform of the Massage and Special Treatment licensing function. The report also proposes a new fee structure for implementation on 1st April 2019 (Appendix B).
- 7.2 The Licensing service has reviewed staff hours employed in administering each type of application. The service has proposed a fee structure intended to achieve full cost recovery for each fee category.
- 7.3 Two new fees for both exempt premises and exempt practitioners will be introduced to enable cost recovery for this activity, and there will be new fees for change of details and duplicate document requests.
- 7.4 The service forecasts to receive £55,000 in 2018/19 and at least this amount 2019/20, as there will new charges for the cost of administrative services not previously recovered. The total income received will be dependent on the number of licenses in each category.

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

- 8.1 This report is seeking to amend the processes and procedures for the *Licensing of massage and special treatment ("MST")*, which is discretionary power under the *London Local Authorities Act 1991 ("the Act")* that the Council have adopted.
- 8.2 Sections 6 and 7 of Part II of the Act enables the Council to prescribe the processes and procedures along with any conditions when considering and determining any such applications made under this Act.
- 8.3 Section 6(4) of the Act enables the Council to approve an MST licence for any period not exceeding 18 months before having to be renewed.
- 8.4 The Council's constitution has reserved the functions for considering and determining applications under this Act to the Licensing Committee.
- 8.5 Reference is made to the European Services Directive. Article (42) of the Directive states; "The rules relating to administrative procedures should not aim at harmonizing administrative procedures but at removing overly burdensome authorisation schemes, procedures and formalities that hinder the freedom of establishment and the creation of new service undertakings therefrom." This report is seeking to make changes in line with the Directive.

## **APPENDICES**

Appendix 1 – List of Special Treatments

Appendix 2 – Current and Proposed Fee Structure

Appendix 3 – Proposed fee structure

## **EXEMPT**

Not applicable.

## **BACKGROUND PAPERS**

None

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## APPENDIX 1 – CURRENT LIST OF SPECIAL TREATMENTS

### Massage Type Treatments

Massage	Reflexology	Aromatherapy	Shiatsu
Acupressure	Body Massage	Qi Gong	Sports Massage
Tui-Na			

### Electrical Treatments

Infra red	Sun beds	Lasers	Faradic
Galvanic	Sarogenics	Cathodermly	Electrolysis
Spider veins	Sclerotherapy	Vacuum suction	Ultra high frequency
Thread vein treatment			

### Water Treatments

Sauna	Floatation	Steam bath	Steam chamber
Jacuzzi	Spa bath	Fish Pedicures	

### Other Treatments

Chiropody	Manicure	Acupuncture	Oxygen Therapy
Osteopathy	Pedicure	Moxibustion	Tattooing
Body piercing	Nail extension	Facials	Tattoo Removal
Beading	Micro-pigmentation	Bio Skin Jetting	

This list is not exhaustive and is updated with new treatments from time to time.

## APPENDIX 2 – CURRENT FEE STRUCTURE

<p><b><u>BEAUTY / THERAPY TREATMENTS</u></b></p> <table border="0"> <tr> <td>Facials</td> <td>Sun Beds</td> </tr> <tr> <td>Manicure</td> <td>Ultra Violet Tanning</td> </tr> <tr> <td>Pedicure</td> <td>Jacuzzi</td> </tr> <tr> <td>Nail Extension s</td> <td>Steam Bath</td> </tr> <tr> <td>Ear Piercing Only</td> <td>Steam Chamber</td> </tr> <tr> <td>Reflexology</td> <td>Spa Bath</td> </tr> <tr> <td>Indian Head Massage</td> <td>Flotation</td> </tr> <tr> <td>Chiropody</td> <td>Ultra High Frequency</td> </tr> <tr> <td>Osteopathy</td> <td>Faradic/ Galvanic</td> </tr> <tr> <td>Acupuncture</td> <td>Infra-Red</td> </tr> <tr> <td>Moxibustion</td> <td>Fish Pedicure</td> </tr> </table> <p><b>Please note this list is not exhaustive as new treatments are continually coming into force</b></p>	Facials	Sun Beds	Manicure	Ultra Violet Tanning	Pedicure	Jacuzzi	Nail Extension s	Steam Bath	Ear Piercing Only	Steam Chamber	Reflexology	Spa Bath	Indian Head Massage	Flotation	Chiropody	Ultra High Frequency	Osteopathy	Faradic/ Galvanic	Acupuncture	Infra-Red	Moxibustion	Fish Pedicure	<p><b>Up to 2 operatives:</b></p> <ul style="list-style-type: none"> <li>• Part A Fee: £387</li> <li>• Part B Fee: £48</li> </ul> <p><b>3 - 5 operatives:</b></p> <ul style="list-style-type: none"> <li>• Part A Fee: £396</li> <li>• Part B Fee: £49</li> </ul> <p><b>Over 5 operatives:</b></p> <ul style="list-style-type: none"> <li>• Part A Fee: £409</li> <li>• Part B Fee: £51</li> </ul>
Facials	Sun Beds																						
Manicure	Ultra Violet Tanning																						
Pedicure	Jacuzzi																						
Nail Extension s	Steam Bath																						
Ear Piercing Only	Steam Chamber																						
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Chiropody	Ultra High Frequency																						
Osteopathy	Faradic/ Galvanic																						
Acupuncture	Infra-Red																						
Moxibustion	Fish Pedicure																						
<p><b><u>FULL BODY MASSAGE &amp; SAUNA</u></b></p> <p>Full Body Massage is defined as the manual massage of any part of the body, other than the neck and head, the feet and legs below the knee, or the hands and arms</p>	<ul style="list-style-type: none"> <li>• Part A Fee: £449</li> <li>• Part B Fee: £56</li> </ul>																						
<p><b><u>TATTOOING AND BODY PIERCING</u></b></p>	<ul style="list-style-type: none"> <li>• Part A Fee: £475</li> <li>• Part B Fee: £58</li> </ul>																						
<p><b><u>LASER / INTENSE PULSED LIGHT</u></b></p>	<p><b>Up to 2 operatives:</b></p> <ul style="list-style-type: none"> <li>• Part A Fee: £583</li> <li>• Part B Fee: £72</li> </ul> <p><b>3 – 5 operatives:</b></p> <ul style="list-style-type: none"> <li>• Part A Fee: £592</li> <li>• Part B Fee: £73</li> </ul> <p><b>Over 5 operatives:</b></p> <ul style="list-style-type: none"> <li>• Part A Fee: £605</li> <li>• Part B Fee: £75</li> </ul>																						
<p><b><u>VARIATION OF LICENCE</u></b></p>	<p><b>Beauty salon only:</b></p> <ul style="list-style-type: none"> <li>• Part A Fee: £127</li> <li>• Part B Fee: £8</li> </ul>																						

	<p><b>Massage, Tattoo, Body Piercing, Sauna, Lasers &amp; IPL:</b></p> <ul style="list-style-type: none"> <li>• Part A Fee: £150</li> <li>• Part B Fee: £9</li> </ul>
<b><u>TRANSFER OF LICENCE</u></b>	<p><b>Beauty salon only:</b></p> <ul style="list-style-type: none"> <li>• Fee: £135</li> </ul> <p><b>Massage, Tattoo, Body Piercing, Sauna, Lasers &amp; IPL:</b></p> <ul style="list-style-type: none"> <li>• Fee: £150</li> </ul>
<b><u>EXEMPTION OF PREMISES</u></b>	<b>Fee: £0 (Nil)</b>
<b><u>MST PRACTITIONER</u></b>	<b>Fee: £100 (Nil)</b>
<b><u>EXEMPTION OF MST PRACTITIONER</u></b>	<b>Fee: £0 (Nil)</b>

### APPENDIX 3 – PROPOSED FEE STRUCTURE

Application type	Licence Category	Proposed fee
New MST Application	A	£657.00
Renewal MST Application	A	£558.00
New/ MST Application	B	£488.00
Renewal MST Application	B	£415.00
Transfer of MST Licence Application	N/A	£117.00
Variation of MST Licence Application	N/A	£143.00
Temporary Licence (3 months)	A	£273.00
Temporary Licence (3 months)	B	£208.00
MST Practitioner Registration	N/A	£117.00
Exempt Practitioner Registration	N/A	£27.00
Exempt Premises Registration	N/A	£68.00
Duplicate Document Request	N/A	£18.00
Change of Details (licensee name/address etc)	N/A	£27.00
Change of Details Add/remove practitioners named on licence	N/A	£27.00





<b>LATE NIGHT LEVY – REPORT FOLLOWING THE END OF YEAR 1</b>	
<b>LICENSING COMMITTEE</b>  <b>16 JANUARY 2019</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 This report has been prepared to provide the Licensing Committee with an update on the Late Night Levy (“the Levy”) following the end of the first year of its operation.

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

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

- (i) to note the contents of the report and the Appendix**

## **3. BACKGROUND**

- 3.1 The late night levy (“the levy”) is a discretionary power, conferred on licensing authorities by provision in Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”). This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority’s area, as a means of raising a contribution towards the costs of policing the late-night economy.

- 3.2 The Council consulted on the introduction of the Levy from 13 February 2017 until 7 May 2017. And following a recommendation by the Licensing Committee on 21 June 2017, the Council decided to introduce the Levy at its meeting on 26 July 2017. The effective date of the Levy was 1 November 2017.

### **3.3 Key factors considered when introducing the levy included:**

- That the legislation requires the net revenue to be split with at least 70% allocated to the Police and the remainder retained by the Licensing Authority.
- The estimate by Hackney Police of the cost of policing the night-time economy of around £1.4 million annually, of which £890,000 is specifically required to fund the dedicated Night-Time-Economy teams.
- Evidence of a correlation between the locations of licensed premises and the level of crime and disorder
- The establishment of a local management board responsible for overseeing how the revenue is spent.
- 429 premises were authorised to sell alcohol between 00:01 and 06:00, with an estimate maximum income of £395450.
- A voluntary levy in place the key NTE areas of Shoreditch and Dalston would no longer continue.
- That no exemptions nor reductions would apply

#### **4. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES**

- 4.1 This report has been prepared to provide the Licensing Committee with an update on the Late Night Levy (“the Levy”) following the end of the first year of its operation.
- 4.2 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.
- 4.3 The Licensing service has recorded £414,758 for the 12 month period commencing 1 November to 2017 (Year 1).
- 4.4 In year 1 ( 1 November 2017 to 31 October 2018), the Council utilised £20k from the Levy for set up and administration costs, and the Licensing Service has proposed a further £56k from the Levy as a contribution to the cost of Enforcement Patrols. The utilisation funds in the current and future years will be assessed by the Management Board.

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

- 5.1 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.
- 5.2 The Council adopted the Late Night Levy in accordance with s125 (2) of the Act 2011 on 26 July 2017. The Levy took effect from 1 November 2017.
- 5.3 Any levy imposed currently applies to all those in the borough that hold a licence to supply alcohol for the hours that the Levy operate from.
- 5.4 The legislation states that no less than 70% of the revenue raised must be given to the local policing body for the purpose of reducing or preventing crime and disorder. The accompanying regulations stipulate that the revenue retained by the Local Authority, which can be no more than 30%, must be used on matters relating to crime and disorder, public safety, public nuisance and the cleaning of any relevant land or highway as a result of the NTE.
- 5.5 The 2011 Act does not prohibit the Local Authority and Police agreeing a separate agreement relating to the funds raised for the Police. As

such the police can then allocate their share of the levy back to the council to support local initiatives.

- 5.6 The Late Night Levy Board (“the Board”) has also been established to advise and oversee how the levy monies are to be spent. However, the Board has no actual decision making powers and will be providing recommendations to the relevant officer to determine how the levy monies should be spent.
- 5.7 The levy applies indefinitely until the Council decides that the levy will cease to apply in its area. This would require consultation prior to any decision being made.

#### **APPENDICES**

None.

#### **EXEMPT**

Not applicable.

#### **BACKGROUND PAPERS**

None.

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<b>Comments of the Director of Legal Services</b>	<p>Butta Singh  Senior Lawyer – Licensing  butta.singh@hackney.gov.uk  ☎ 020 8356 6295</p>

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# **The Late Night Levy**

## **Year 1 Report**

## Contents

## Page

- 1 Summary
- 2 The Local Management Board
- 3 Income and Expenditure
- 4 Conclusion



## 1. Summary

- 1.1 This report has been prepared to provide the position on the Late Night Levy following the end of the first year of its operation on 31 October 2018. Home Office guidance on the levy recommends that licensing authorities may wish to review the requirements for the levy at appropriate intervals.
- 1.2 The late night levy is a provision established under the Police Reform and Social Responsibility Act 2011. It enables licensing authorities to charge an additional annual fee to persons who are licensed to sell alcohol between midnight and 6am. The revenue raised is then used as a contribution towards the costs of policing the late night economy and other arrangements for the reduction or prevention of crime and disorder, in connection with the supply of alcohol.
- 1.3 The Council held a public consultation on the introduction of the levy which ran from 13 February 2017 to 7 May 2017. And, following a recommendation by the Licensing Committee on 21 June 2017, the Council decided to introduce the Levy at its meeting on 26 July 2017. The effective date of the levy was 1 November 2017.
- 1.4 Hackney is an established centre for culture and leisure in London with around 1300 premises licensed under the Act in an area of 19 square kilometres.
- 1.5 Evidence also suggests a correlation between the locations of licensed premises and the level of crime and disorder. This is highlighted in Fig 1 below which maps incidents of alcohol flagged crime over a 5 year period commencing April 2011.

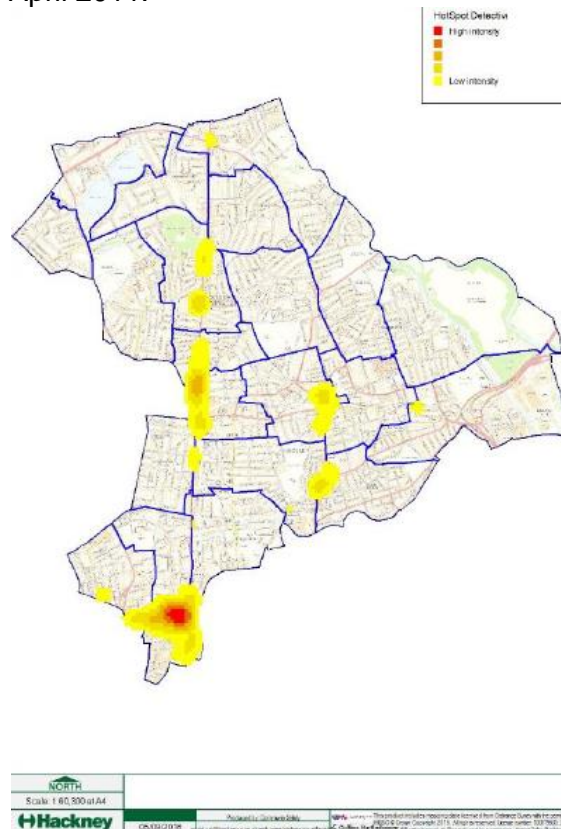


Fig 1: Alcohol flagged crime hotspots

- 1.6 The levy is paid annually by each premises licence or club premises certificate holder at the same time as the annual fee. Where an authorisation is granted within the year, the holder has two weeks to pay the levy contribution from the date the authorisation was granted.
- 1.7 The local authority must use its portion of the levy on activities, which must be related to mitigating the impact of the supply of alcohol within the specified hours, namely:
- the reduction or prevention of crime and disorder,
  - the promotion of public safety,
  - the reduction or prevention of public nuisance,
  - the cleaning of any relevant highway or relevant land in its area.
- 1.8 The Council has power to exempt certain premises from paying the levy. In addition, a reduction of up to 30% can apply to premises that are in receipt of Small Business Rate Relief and have a rateable value of £12,000 or less and operators participating in a suitable best practice scheme. However, the Council agreed that the late night supply period would be 00:01 to 06:00 and that no exemptions or reductions would apply.

## **2. The Local Management Board**

- 2.1 As part of the consultation, the Council said that it would establish a local management board as recommended by the Home Office. The board would be responsible for overseeing how the revenue is spent.
- 2.2 The Licensing Committee agreed a management structure and Terms of Reference for the Board at the Committee meeting on the 8 February 2018.
- 2.3 The Board had its first meeting on 24 May 2018, a second meeting on 27 September 2018 and the third meeting on 14 December 2018. Representatives of the Council, Licensing Committee, Police and licensing trade have been present at all of the meetings.

### 3. Income and Expenditure

3.1 The revenue collected exceeded the amount forecasted during the consultation. This is due to a number of factors including the re-rating of non-domestic rateable value bandings, authorisations approved during the year and a lower than expected amount of licences surrendered.

3.2 The table below analyses the Year 1 income and expenditure.

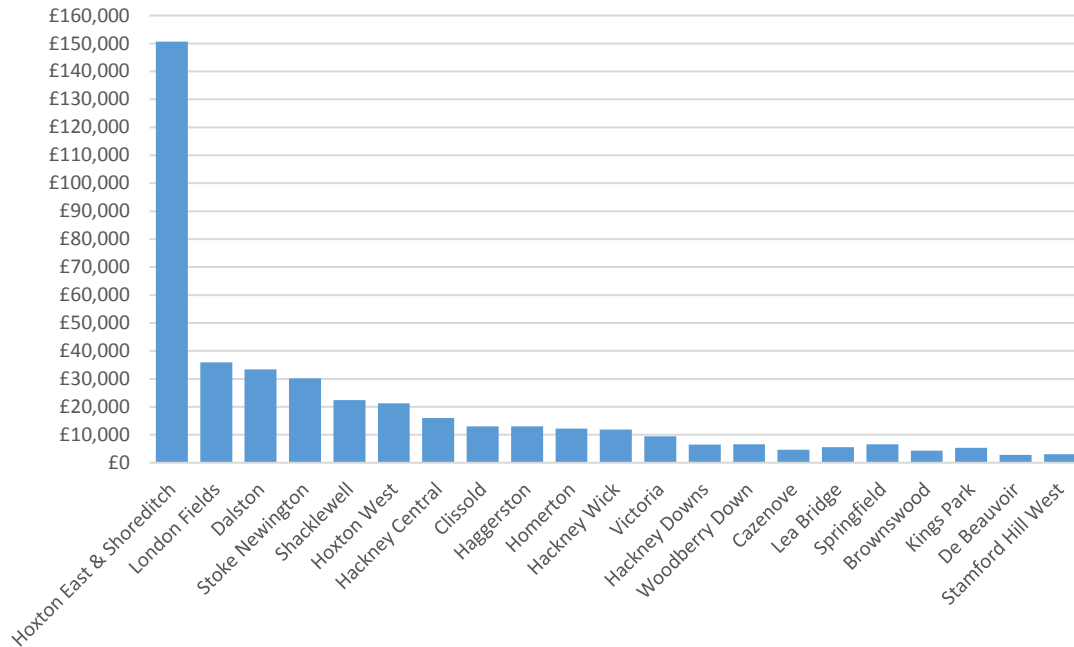
<b>Income</b>	
Total payments from 418 liable authorisations	£414, 758
<b>Expenditure</b>	
Year 1 set up and administration costs (Includes 26 free minor variations)	£20,266.00
Metropolitan Police New Years' Day	£5944.00
Enforcement Patrols	£56,068
Total Spend	£82,278
<b>Surplus to be carried into Year 2</b>	<b>£332,480</b>

3.3 The table below shows the number of authorisations liable for payment and income collected in each of the Boroughs 21 wards:

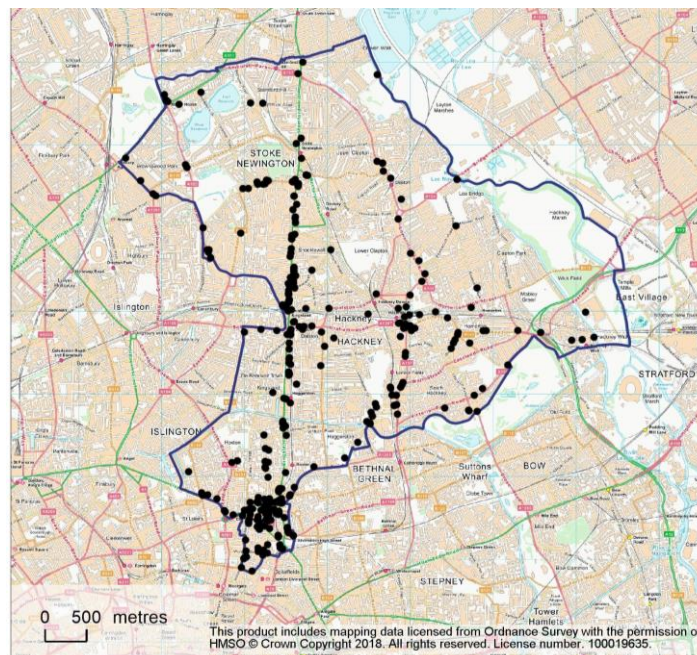
Ward	Number of liable authorisations	Income
Brownswood	5	£4331
Cazenove	6	£4630
Clissold	15	£12993
Dalston	37	£33348
De Beauvoir	3	£2795
Hackney Central	18	£16021
Hackney Downs	7	£6464
Hackney Wick	12	£11927
Haggerston	15	£12993
Homerton	15	£12245
Hoxton East and Shoreditch	128	£150698
Hoxton West	20	£21206
Kings Park	5	£5313
Lea Bridge	6	£5590
London Fields	41	£35968
Shacklewell	26	£22423
Springfield	6	£6572
Stamford Hill West	3	£3029
Stoke Newington	34	£30147
Victoria	9	£9473
Woodberry Down	7	£6592
<b>Totals</b>	<b>418</b>	<b>£414758</b>

3.4 As expected, Hoxton East and Shoreditch ward accounts for the largest proportion of the income. This is due to the large concentration of licensed premises in this ward and the Shoreditch area in general.

3.5 This is further illustrated when analysing the data in the Chart below; Hoxton East and Shoreditch ward accounts for over 4 times the amount of the next highest ward, which was London Fields.



3.6 Mapping the locations highlights the spread of premises affected by the levy across the Borough. A concentration can be seen in and around the Shoreditch Triangle. Premises are also located along the main arterial routes such as the A10 (Stoke Newington Road/High Street, Kingsland Road/High Street, Shoreditch High Street), Mare Street and Upper/Lower Clapton Road.



- 3.7 As stated above, at least 70% of the net revenue collected by the levy must be paid to the Police. However, on 5 December 2017 the Mayors' Office for Policing and Crime (MOPAC) confirmed that the income would be pooled and the allocations of spend determined by the Management Board.
- 3.8 Prior to the consultation on the Levy, Hackney Police estimated the cost of policing the night-time economy to be around £1.4 million annually, of which £890,000 is specifically required to fund the dedicated Night-Time-Economy teams at the time.
- 3.9 Police spend in Year 1 has been impacted by the Metropolitan Police roll out of the Basic Command Units (BCUs) during 2018. The BCUs saw single borough command units replaced with operational police structures that cover between two and four local authorities. After initial pilots in Barking and Dagenham, Havering and Redbridge and Camden and Islington, Hackney Police and Tower Hamlets Police merged into one BCU.
- 3.10 The Police were initially unable to commit dedicated resources funded by the levy during Year 1. However, an initial forecast of £170K has been provided for Year 2 and beyond for additional dedicated resource over and above the spending referred to in Paragraph 3.8 above. This will be used to fund an additional sergeant and four constables. It is understood that posts have been advertised and will be filled in early 2019. It is anticipated that this will give greater flexibility to provide resource to the range of Hackney's Night Time Economy areas including those outside the busiest areas of Shoreditch and Dalston.
- 3.11 Council Enforcement Officer patrols previously funded by a voluntary levy in Shoreditch and Dalston continued as part of the scheme. No further voluntary contributions were made after October 2017. Officer patrols and associated activity accounted for over £56,000 of the expenditure in Year 1.
- 3.12 Slightly over £20,000 was spent in Year 1 on set-up and administration costs. This included statutory notices in the local press, development of an online payment portal and processing costs of the 26 free minor variations received.

#### **4. Conclusion**

- 4.1 It is anticipated that the revenue collected Year 2 will be consistent with Year 1. However, a slight increase is expected due to continued growth in the night-time economy.
- 4.2 As well as overseeing the spend of income collected in Year 2, the Management Board will assess and develop proposals on the use of the surplus income from Year 1. Additional Police and Council enforcement officer patrols were amongst the suggestions raised during the consultation. Other options included funding for CCTV monitoring, pop-up/portable toilets and removal of waste associated to the night-time economy.
- 4.3 Furthermore, the Management Board has already committed resource to fund the following activities in Year 2:
- An additional Public Space Surveillance Officer is deployed over the course of the festive period. This officer will be in place to monitor/operate mobile CCTV from 21:00 to 05:00 up to and including New Years' Day.

- A new Safer Socialising Campaign to be developed with the Media and Communications Service.
- The appointment of a Night Time Economy Manager with duties including coordination of activities associated with the Levy.