



L I C E N S I N G C O M M I T T E E

Tuesday, 14th January, 2020

at 7.00 pm

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

Committee Membership:

Councillor M Can Ozsen
Councillor Sophie Cameron
Councillor Emma Plouviez (Chair)
Councillor Brian Bell (Vice-Chair)
Councillor Gilbert Smyth
Councillor Sharon Patrick
Councillor Margaret Gordon
Councillor James Peters
Councillor Caroline Selman
Councillor Ian Rathbone
Councillor Sophie Conway
Councillor Sem Moema
Councillor Peter Snell
Councillor Harvey Odze
Councillor Penny Wrout

Tim Shields
Chief Executive

Contact:
Clifford Hart
Governance Services
Tel: 020 8356 3597
Email: clifford.hart@Hackney.gov.uk

The press and public are welcome to attend this meeting

Dates of future meetings –18 March 2020

AGENDA

Tuesday, 14th January, 2020

ORDER OF BUSINESS

Item No	Title	Page No
1	Apologies for Absence	
2	Declarations of Interest - Members to declare as appropriate	
3	Minutes of the Previous Meeting	1 - 6
4	Late Night Levy - Report Following the End of Year 2	7 - 24

Access and Information

Location

Hackney Town Hall is on Mare Street, bordered by Wilton Way and Reading Lane, almost directly opposite Hackney Picturehouse

Trains – Hackney Central Station (London Overground) – Turn right on leaving the station, turn right again at the traffic lights into Mare Street, walk 200 metres and look for the Hackney Town Hall, almost next to The Empire immediately after Wilton Way.

Buses 30, 48, 55, 106, 236, 254, 277, 394, D6 and W15.

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.

Copies of the Agenda

The Hackney website contains a full database of meeting agendas, reports and minutes. Log on at: www.hackney.gov.uk

Paper copies are also available from the Governance Services Officers whose contact details are shown on page 1 of the agenda.

Council & Democracy- www.hackney.gov.uk

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

- [Mayor of Hackney](#)
- [Your Councillors](#)
- [Cabinet](#)
- [Speaker](#)
- [MPs, MEPs and GLA](#)
- [Committee Reports](#)
- [Council Meetings](#)
- [Forward Plan](#)
- [Register to Vote](#)
- [Introduction to the Council](#)
- [Council Departments](#)

RIGHTS OF PRESS AND PUBLIC TO REPORT ON MEETINGS

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

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

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

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

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

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

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

Providing oral commentary during a meeting is not permitted.

ADVICE TO MEMBERS ON DECLARING INTERESTS

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

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

- The Director of Legal, Services;
- 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, Services, on 020 8356 6237 or email suki.binjal@hackney.gov.uk



FS 566728

LICENSING COMMITTEE

WEDNESDAY, 18TH SEPTEMBER, 2019

Present:

Councillor Emma Plouviez in the Chair

Councillors Cllr M Can Ozsen, Cllr Brian Bell (Vice-Chair), Cllr Gilbert Smyth, Cllr James Peters, Cllr Caroline Selman, Cllr Sophie Conway, Cllr Peter Snell, Cllr Harvey Odze and Cllr Penny Wrout

Officers:

Samantha Mathys, Late Night Levy Manager
Butta Singh, Senior Licensing Lawyer
Gareth Sykes, Governance Services Officer
David Tuitt, Business Regulation Team Leader –
Licensing and Technical Support

Apologies:

Cllr Sophie Cameron, Cllr Sharon Patrick,
Cllr Margaret Gordon, Cllr Ian Rathbone and
Cllr Sem Moema

1 Apologies for Absence

- 1.1 Apologies for absence were received from Councillors Cameron, Gordon, Moema, Patrick and Rathbone.
- 1.2 Committee members noted that Councillor Peters was running late for the meeting.

2 Declarations of Interest - Members to declare as appropriate

- 2.1 There were no declarations of interest by committee members at the meeting.

3 Minutes of the Previous Meeting

- 3.1 The minutes of the previous Licensing Committee meeting, held on the 3rd June 2019, subject to amendments, were agreed as an accurate record of those meetings proceedings.

Matters arising

Pilot of the pre-application advice/cost recovery scheme

- 3.2 In response to a question from Councillor Snell, the Chair of the Committee understood that it was clarified at the last committee meeting that observers were allowed to attend Late Night Levy (LNL) board meeting, however, because the board met in a small meeting room space was limited. David Tuitt replied that the Licensing Service had not undertaken any further work on the pre-application advice scheme, however, at some point in the future some work would be undertaken. The chair of the committee added that this work needed to be factored in around a larger piece of work concerning the LNL.

RESOLVED, the minutes of the previous Licensing Committee meeting, held on the 3rd June 2019, subject to amendments, were **AGREED** as an accurate record of those meetings proceedings.

4 Late night levy update

- 4.1 David Tuitt, the Business Regulation Team Leader – Licensing and Technical Support, updated the Licensing Committee members on the latest developments regarding the Late Night Levy (LNL). The report was accompanied by the minutes of the latest LNL board meeting held on the 6th June 2019. Licensing Committee members noted that the LNL board had also met again on the 5th September 2019.
- 4.2 In response to a question from Councillor Smyth, Samantha Mathys, the Late Night Levy Manager, replied that the Stoke Newington Radio Scheme was a Hackney Council run scheme where licensed premises would be linked up in the Stoke Newington area to the Closed Circuit Televisions (CCTV) network. Seven premises were on board initially. Hackney Council paid for the initial one-off cost. The premises had their own networks and their radios were directly connected to the CCTV in Stoke Newington Town Hall. If one of the licensed premises saw an incident they could radio in on the network and decide on how to allocate resources. It acted as a direct link to getting ‘eyes on’ an incident. The scheme had proven successful and recently two licensed premises had requested to be placed on the scheme. They had seen the scheme and felt that the benefits appeared to work quite well. David Tuitt added that there were other radio link up and retail schemes, similar to this pilot scheme, already in Hackney. On the custody bus, as a Stoke Newington Ward Councillor, Councillor Smyth commented whether he would be able to raise this at his next ward forum meeting. Councillor Selman added that this scheme was for licensed premises. Samantha Mathys commented that this was a long term project and which was ongoing with a number of parties involved. Before this Hackney Council needed to monitor how the policing plan would develop before taking the custody bus project forward.
- 4.3 In response to a question from Councillor Snell, Samantha Mathys replied that this pilot scheme was different from others in that it was entirely paid for by the LNL. Councillor Selman added that through the LNL board the Stoke Newington Pub Watch were very keen to support this plan. There was a lot of pressure points in Shoreditch, this scheme was very much meeting those needs as expressed by the licensees. The radio scheme was a pilot specifically for Stoke Newington area. This was part of Hackney Council’s plan for safety in the area and there were plans to keep the radio scheme.
- 4.4 In response to a question from Councillor Snell, David Tuitt replied that the scheme would be monitored. They would be linked to the CCTV control room and they monitor how the scheme was used, for example how long licensees log in for and how many incidents are raised via the radios. Samantha Mathys added that the council could contact the CCTV control room to get reports on the scheme’s level of usage. Councillor Selman that question of use of the radio scheme had been raised at the LNL board and it was re-iterated that the onus behind this was very much being driven by the licensees. The chair of the committee commented that the radio scheme fitted into a sense of community in that area.
- 4.5 Councillor Snell commented that he would like to see the focus of the LNL work on targeting those off licences in the Hackney Wards who appeared to be selling alcoholic drinks to customers who were already drunk and tighten up this area of concern. The chair of the committee replied that there was a separate piece of work on handling those off licences. Councillor Ozsen was of the view that in Dalston the Anti-Social Behaviour was more a result of night clubs rather than disreputable off licences. The committee noted the councillor’s comments which had been recorded and would be factored into the LNL work.

September Late Night Levy Board meeting update

- 4.6 Samantha Mathys updated Licensing Committee members on the latest meeting of the LNL board. There was discussion around an uplift in the police presence across the borough. There was an uplift plan that would be supported by the greater Night Time Economy (NTE) plan. The police were to come back with a plan on how they would address those issues across the borough e.g. off licences. There was also two re-deployable 4G cameras, provided by the LNL, for the NTE use only to help target those areas where there was no camera coverage currently. Some of the LNL surplus would also be used to work with licensees based on feedback from the June LNL board meeting NTE staff training e.g. public awareness training initiatives, an online way of sharing information. This portal could contain modules with different training initiatives. There would be different models of this portal for the different licensed premises e.g. bars, nightclubs and off licences. They would all have their tailored version of the information to help them become safer premises. Members noted that there was a lot more in the pipeline and fuller update would be provided at the next Licensing Committee meeting. Some of the LNL surplus would be used to fund some of the one off costs to increase the levels of communication. The chair of the committee added that there was a sum of money that was going into policing. On the off licensing issue that would be for the police to prosecute but it was recognised that this would be difficult. On other issues relating to the LNL these were ongoing. The other funds were being used to bring people on to a better way of communicating e.g. using the portal. It gives the council the opportunity to start communicate good practice and try to get some improvements through rather than having to focus on curtailing on bad practice.
- 4.7 In response to a question from Councillor Snell, Samantha Mathys replied that the online portal was for licensees. They had previously felt disconnected and through this portal the lines of communication could be improved by keeping up to date, for example, on events such as ward meetings, Pubwatch meetings, training sessions, neighbourhood consultations, etc. It was felt that this would make communication easier and provide the best value. Councillor Selman added by explaining about that there was a strategy, broader than the LNL, with various challenges and priorities, for example, the Hackney Community Safety Partnerships. There are four priorities, one of these was safe socialising and behind that was how the council and the various partners managed that. It was suggested that the police may want to attend a future Licensing Committee to talk to members about the work that they were doing.
- 4.8 In response to a question from Councillor Wrout, Samantha Mathys replied that the police testing of drones in Shoreditch would be paid for out of the police budget not the LNL. David Tuitt explained that the police run a quarterly operation and that as part of that operation they considered the use of drones. They had not used them yet. The police had used lookout points, which were mobile elevated platforms approximately four feet off the ground.
- 4.9 In response to Councillor Smyth, Samantha Mathys replied that they were providing the police with an overtime grant for additional hours for officers. So the council was getting police for the money that they were spending. It had to be based on overtime hours. Councillor Selman added that the LNL board were keen to get additionality so there was not perception that a gap in police resources was just being plugged. The council could not direct the police to how they allocate their resources. The levy was an additional resource about the police resources relating to the NTE.
- 4.10 In response to a question from the vice chair of the committee, David Tuitt recognised in the first year they had not spent all of the LNL budget and in the second year they would hold some of the budget back for contingencies. Samantha Mathys added that 70 to 80 per cent of the LNL budget had been accounted for.

- 4.11 The chair of the committee commented that originally there was issues around the police allocation and spending of resources. It was recognised that the situation was now a lot better. Councillor Selman, explained that some funds were being purposefully held back because they did not know what might happen plus they would need that uplift. Some funding would always be held back but the vast majority of the funding was allocated.
- 4.12 Councillor Snell recommended that a Service Plan was a must to ensure that the LNL budget did not get subsumed into the police budget.
- 4.13 Representatives from the Police's Licensing Unit would be invited to the next Licensing Committee meeting to discuss with members their work to date on the Late Night Levy.
- 4.14 Councillor Peters commented that it would be useful to hear from the police at the next Licensing Committee meeting an update on regulated entertainment and what powers that authorities have.
- 4.15 In response to a question from Councillor Wrout, Samantha Mathys replied that the current overtime grant ends on the 5th December 2019. Going forward it was suggested that the council contract the police quarterly and have the ability to change the addendum of conditions related to that grant so that the council can control how the money is spent by incorporating Key Performance Indicators (KPIs). At the next licensing committee meeting there would be a further update. This would be part of both the LNL and also the bigger strategy around the NTE.
- 4.16 In response to a question from Councillor Ozsen, David Tuitt replied that the police's working hours through the LNL would fund police overtime at the weekends with occasionally Thursday nights and some bank holiday weekends. The police overtime hours, through the LNL, were 12:00am to 06:00am.
- 4.17 The Late Night Levy Board would next meet on the 5th December 2019.

RESOLVED, that the Licensing Committee NOTED the Late Night Levy update report and the accompanying appendix.

RESOLVED, that representatives from the Metropolitan Police Service's Licensing Unit would be invited to the next Licensing Committee meeting to discuss with members their work to date on the Late Night Levy.

5 Licensing Sub-Committee Procedures

- 5.1 David Tuitt presented the report which was seeking to approve the delegation of relevant powers to the Licensing Sub-Committee and officers and introduce a new Licensing Sub-Committee hearing procedure. The delegation and procedure will be required for instances where the Council has granted a personal licence and it becomes aware that the holder of that personal licence has been convicted of a relevant or foreign offence, or has been required to pay an immigration penalty. These powers were new and were a result of changes to the Licensing Act 2003 through the Policing and Crime Act 2017. This would formalise the procedure.
- 5.2 In response to a question from Councillor Odze, David Tuitt replied that in terms of 'a relevant offence' the Licensing Act 2003 lists a number of offences e.g. any offence under the Licensing Act itself, e.g. section 137, serious offences, offences under the theft act, driving offences, fraud, assault etc. These were all in the legislation and were all considered relevant. A 'foreign offence' was a similar offence to those in the Licensing Act 2003 but it had been committed abroad.

- 5.3 The chair of the committee updated the committee that where in the past personal licenses had to be renewed annually they were now for life. As a result of this the issue of suspending and revoking licenses was now an important matter. David Tuitt added that in 2015 the law had been amended removing the need to renew a personal licence after 10 years.
- 5.4 In response to a question from Councillor Snell, the Senior Licensing Lawyer, Butta Singh, replied that under the law it is only the police that could challenge and bring a transfer or new application for a personal license to a licensing sub-committee for its consideration. David Tuitt added that Members could take into an account when considering a personal licence mitigating circumstances. The Licensing Act 2003 allows for a person to bring their application before a licensing sub-committee to plead their case. That person was required to give the Licensing Service their criminal history. The offence that a person had committed was a separate process from that person applying for a personal licence. The legislation had to reflect common law.
- 5.5 In response to a question from Councillor Wrout, Butta Singh replied that was correct that an immigration penalty was not an offence but was a separate piece of legislation. Councillor Wrout was shocked that someone may potentially lose their whole livelihood because of an immigration penalty. David Tuitt replied this was why at licensing sub-committee meetings there was an opportunity for a person to argue their case. Butta Singh added that there was an option to suspend rather than revoke the personal licence. David Tuitt cited an example of an immigration penalty could result in a fine of up to £20,000. If someone receives a penalty the Home Office Immigration team would notify the Licensing Service which could then trigger the Licensing Sub-Committee hearing process.
- 5.6 In response to a question from Councillor Odze, Butta Singh replied that paragraph 5.1 report outlined that these new powers contained within the Licensing Act 2003 came into effect on 16th April 2017. Since those changes there had not been any of those type of cases coming to the attention of the licensing service. Committee members noted that the licensing service was taking a reactive step. Councillor Odze highlighted that most Licensing Sub-Committee hearings have some form of public representation but there appeared to be no reference to that in this new change. Butta Singh replied that a person could have public representation at a licensing hearing. In these circumstance these kind of cases may be closed to the public. They are public meetings but the public would not be able to participate. It was specified in the notice from the licensing service, to the personal licence holder, what the regulations would allow them to do at a licensing hearing.

RESOLVED, that Licensing Committee members NOTED the delegation of licensing functions given the changes brought about to the Licensing Act 2003 by the Policing and Crime Act 2017 and the revised Delegation of Functions as set-out in the Statement of Licensing Policy.

RESOLVED, that Licensing Committee members AGREED to delegate the exercise of the licensing functions, under the Act, as set out in Appendix 2 attached to the report (in the Licensing Committee meeting papers pack) to Licensing Sub-Committees A to E and Hackney Council Officers.

RESOLVED, that the Licensing Committee members APPROVED the new Licensing Sub-Committee Hearing Procedure (Type G) appended to the report (as included in the Licensing Committee meeting papers pack).

6 Any Other Business

- 6.1 The Licensing Committee members gave their thanks to Guy Hicks of the Metropolitan Police Service's (MPS) Licensing Unit whom had retired in August 2019.

Wednesday, 18th September, 2019

- 6.2 The Governance Services Officer reported to the Licensing Committee members that from the week commencing 23rd September 2019 Natalie Williams in the Governance Services team would take over as the main contact regarding the Licensing Sub-Committee meetings.
- 6.3 Licensing Committee members noted that the schedule for the January to March 2020 Licensing Sub-Committee meetings was likely to be circulated in October 2019 for the LSC members to confirm their availability for that period.
- 6.4 Licensing Committee members also noted that their next meeting was on the 11th December 2019.

RESOLVED, that the members of the Licensing Committee wanted to pass on their thanks to Guy Hicks of the Metropolitan Police Service (MPS) Licensing Unit whom had retired in August 2019.

RESOLVED, that Licensing Committee members NOTED, that from the week commencing 23rd September 2019, Natalie Williams in the Governance Services Team would be the main point of contact for members regarding Licensing Sub-Committee meetings.

RESOLVED, that Licensing Committee members NOTED that their next meeting was on the 11th December 2019.

Duration of the meeting: 19:00 – 20:05 hours

Councillor Emma Plouviez, Chair at the meeting on
Wednesday, 18 September 2019



ATE NIGHT LEVY – REPORT FOLLOWING THE END OF YEAR 2

<p>LICENSING COMMITTEE</p> <p>14 January 2020</p>	<p>CLASSIFICATION:</p> <p>Open</p>
<p>WARD(S) AFFECTED</p> <p>All Wards</p>	
<p>ACTING GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING</p> <p>AJMAN ALI</p>	

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 second year of its operation.
- 1.2 This Appendix sets out how the Levy is being used to promote the licensing objectives whilst protecting our residents, communities and nightlife spaces from antisocial behaviour and crime. This includes through additional police and council enforcement officer patrols across the borough, CCTV, a new radio scheme and investment in a programme of prevention, training and engagement activities.
- 1.3 As a local authority we are keen to work collaboratively with partners to ensure that our night time economy is safe, inclusive and well managed and as such the allocation of levy funds has sought to take into account resident and licensee concerns.

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 and management of the late night alcohol related 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 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.
- 3.4 Appendix 1 reports on the income and in expenditure in Year 2, the balance carried from Year 1 and the forecast for Year 3.

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 second 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 £414,010 for the 12 month period commencing 1 November to 2018 (Year 2).

- 4.4 In Year 2 (1 November 2018 to 31 October 2019), the Council utilised £20k from the Levy for administration and operational costs, and the Licensing Service has proposed a further £61k 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.
- 4.5 Appendix 2 presents a table of income and expenditure presenting a balance of £347,532 which consists of £134,805 from Year 1 funds and £212,626 from Year 2 funds. Section 5.3 in the appendix outlines the utilisation of these funds in Years 3 and 4.

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 operational hours of the Levy.
- 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

Appendix 1 - Report on the Late Night Levy following the end of Year 2

EXEMPT

Not applicable.

BACKGROUND

PAPERS None.

<p>Report Authors</p>	<p>David Tuitt Business Regulation Team Leader (Licensing Technical Support) david.tuitt@hackney.gov.uk ☎020 8356 4942</p> <p>Samantha Mathys Late Night Levy Manager samantha.mathys@hackney.gov.uk ☎020 8356 8974</p> <p>Subangini Sriramana Senior Licensing Officer subangini.sriramana@hackney.gov.uk ☎020 8356 4915</p>
<p>Comments of the Group Director of Finance and Corporate Resources</p>	<p>Philip Walcott Director – Neighbourhoods and Housing Finance deirdre.worrell@hackney.gov.uk (020 8356 2396)</p>
<p>Comments of the Director of Legal Services</p>	<p>Butta Singh Senior Lawyer – Licensing butta.singh@hackney.gov.uk (020 8356 6295)</p>

This page is intentionally left blank

The Late Night Levy

Report following the end of Year 2

Contents

1. Background
2. Year 2 Income
3. Year 2 Expenditure
4. Year 1 and Year 2 balances carried forward
5. Year 3 Forecast
6. Conclusions

1. Background

- 1.1 This report has been prepared to provide the position on the Late Night Levy (“the Levy”) following the end of the second year of its operation on 31 October 2019.
- 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.
- 1.3 The Levy is paid annually by relevant premises licence or club premises certificate holders at the same time as the annual fee. Where a licence or certificate is granted within the year, the holder has two weeks to pay from the date the licence or certificate was granted.
- 1.4 At least 70% of any net revenue collected must be given to the Police. The local authority must use its portion on activities related to mitigating the impact of the supply of alcohol within the specified hours. The legislation does not prevent a local arrangement from being agreed between the Police and Council as to any revenue collected for the Police is to be spent.
- 1.5 Following a public consultation, the Council decided to introduce the Levy effective from 1 November 2017. In introducing the power, the Council agreed that the late night supply period would be from 00:01 to 06:00 and that no exemptions or reductions would apply.
- 1.6 A local management board (“the Board”) set up by the Council to oversee how the revenue is spent meets four times annually. The Licensing Committee agreed the management structure and Terms of Reference for the Board which includes Council officers, Licensing Committee members, Police and the licensing trade.

2. Year 2 Income

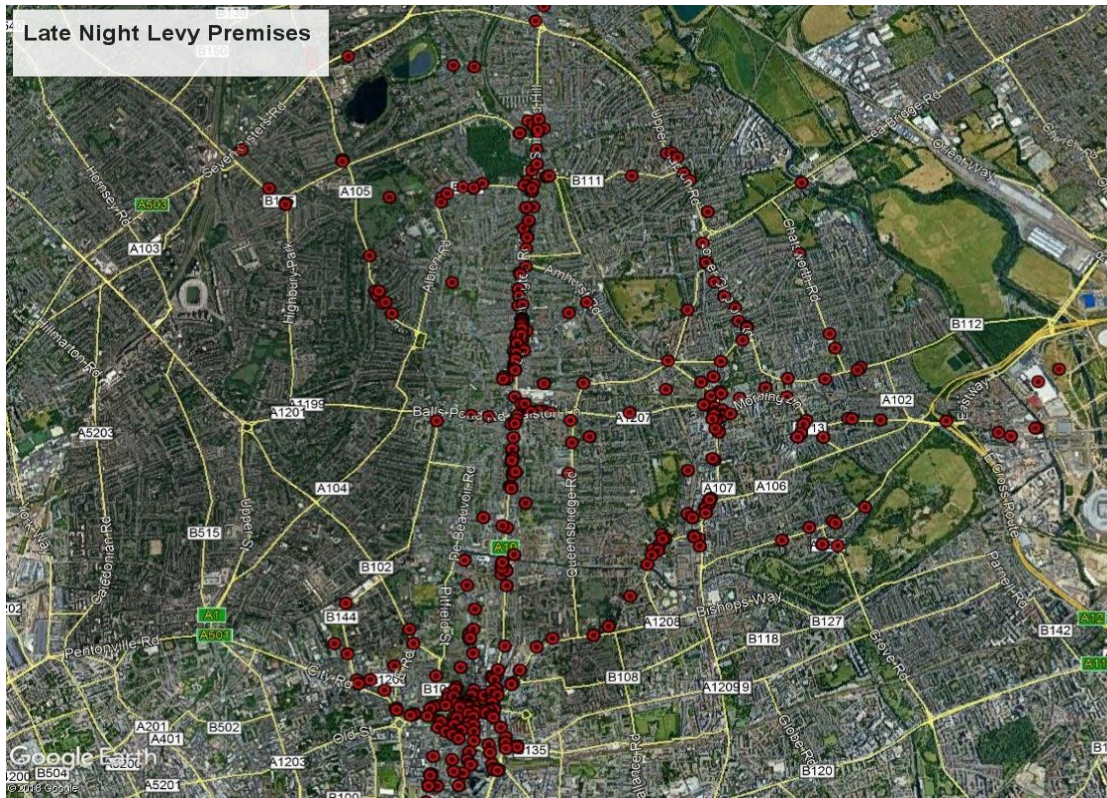
2.1 Total revenue collected amounted to £414,010 from 414 relevant authorisations. This is slightly less than the amount received in Year 1 (£414,758 from 418 relevant authorisations) although the figure has remained consistent.

2.3 The table below analyses levy receipts by ward:

Brownswood	£5,099.00	1.23%
Cazenove	£7,425.00	1.79%
Chatham	£1,536.00	0.37%
Clissold	£12,225.00	2.95%
Dalston	£32,366.00	7.82%
De Beauvoir	£8,599.00	2.08%
Hackney Central	£15,253.00	3.68%
Hackney Wick	£11,927.00	2.88%
Hackney Downs	£6,464.00	1.56%
Haggerston	£22,252.00	5.37%
Homerton	£14,463.00	3.49%
Hoxton East & Shoreditch	£144,083.00	34.80%
Hoxton West	£21,463.00	5.18%
Kings Park	£3,777.00	0.91%
Leabridge	£5,590.00	1.35%
London Fields	£31,040.00	7.50%
New River	£1,493.00	0.36%
Queensbridge	£2,133.00	0.52%
Shacklewell	£20,119.00	4.86%
Springfield	£5,313.00	1.28%
Stamford Hill West	£4,565.00	1.10%
Stoke Newington	£24,557.00	5.93%
Victoria	£8,705.00	2.10%
Woodberry Down	£3,563.00	0.86%

2.4 Hoxton East, West & Shoreditch continues to be the most prominent late night economy zone with almost 40% of all late night levy fees collected in those areas combined. These are then followed by Dalston, London Fields and Stoke Newington.

2.6 The map below demonstrates the distribution of late night premises liable to the levy across the borough. A concentration remains 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. Year 2 Expenditure

3.1 The table below analyses the how the income was spent in Year 2.

Year 2 - 1 November 2018 to 31 October 2019

Recurring Expenditure

MET Police - As agreed with the Mayors Office for Policing and Crime (MOPAC) April 2019 to December 2019	£170,000
Hackney Enforcement Officer Patrols	£61,502
Administration & Operational Costs	£20,000
Communications	£600
LNL Manager	£23,532
Non Recurring Expenditure	
CCTV Operations during the Christmas Period in 2018	£3,570
Total:	£279,204

- 3.2 In addition to the policing during regular NTE hours, the MOPAC agreement also funded overtime resource for bank holidays and special periods as well as "Operation Lagana". This 10 week multi-agency operation which saw a team of over 26 officers deployed in the Shoreditch area during night time economy hours to tackle anti-social behaviour, robbery, theft, drug offences and violence. Since starting in September, the operation has seen over 120 arrests, 429 stop and searches, 209 dispersals and more than 400 visits to licensed premises.
- 3.3 Enforcement costs covered late night overtime hours for Hackney Enforcement Officer patrols. The patrols provide an on-street presence, with officers issuing fixed penalty notices for public urinating, illegal street trading and littering. Activity is mainly concentrated in the busy night-time economy areas.
- 3.4 Other activities included the "Welcome to Hackney" campaign, aimed at promoting a safe festive season and the appointment of the Late Night Levy Manager from May 2019.



4. Years 1 and 2 Balances Carried Forward

- 4.1 A balance amounting to £332,480 remained at the end of Year 1, whilst a balance of £134,805 remained at the end of Year 2.
- 4.2 The balance carried forward from Year 1 funded a non-recurring surge of activity, the cost of which amounted to £119,853. This activity was approved by the Board in September 2019. The table below outlines these activities.

Hackney Nights / Sexual Harassment Campaign

The Levy has funded the new Night Time Safety Charter, Hackney Nights alongside the sexual harassment campaign, #ReframeTheNight. Launched in November 2019, the campaign involves a collaboration with the City of London Corporation and Good Night Out who have developed the Reframe the Night campaign's messaging, drawing from their extensive research and experience. In 2020 we will be developing toolkits and delivering training for licensed premises.



Hackney Nights / Drinkaware partnership - Christmas Safety Campaign

Hackney Council, the Police and Drinkaware have launched safety messaging on posters and social media urging party-goers to please drink responsibly, look after one another and their belongings, don't urinate in the street, keep the noise down and plan their journeys home in advance.

We will have a social media campaign and street advertisements around the borough to promote a safe environment during the festive period.



Hackney Nights Portal

The Hackney Nights portal gives licensees better access to training, information and best practice advice to improve safety in their respective premises. This portal will serve as a landing space for all relevant information about safety in the NTE and will increase engagement with licensees by distributing crucial safety training, guides and resources.

Under phase 2, the intention is to introduce a best practice scheme which will allow all late night licensees to receive a Hackney Nights accreditation. The scheme will bring together all the relevant responsible authorities to set a list of criteria based on different premises models and will include bars, pubs, night clubs and late night off-licenses.

Hackney Nights Monthly Training Sessions

Hackney Nights Training Sessions to start to take place from early 2020 and then on a monthly basis thereafter. Content will be provided by various services within the Council and by partners/content providers such as Good Night Out and DrinkAware.

These sessions will cover a broad range of topics on rotation every month, courses such as age verification, substance misuse, vulnerability and conflict management, sexual harassment, crime scene preservation, search techniques and more will be offered.

The aim is to have a stable offer of training for licensees and their staff at regular intervals.

Redeployable CCTV

The Levy has funded the purchase of two CCTV cameras. These are redeployable so can be temporarily installed in night time economy areas. This will assist with enforcement in areas where current CCTV coverage is low or not present. The cameras are restricted to NTE use only.

Stoke Newington Pilot Radio Scheme

A pilot CCTV radio scheme was launched in Stoke Newington which saw LBH fund CCTV radios and provide to late night venues where less police presence is felt. The LNL board have now accepted proposals to expand the scheme to other night time economy locations around the borough.

- 4.4 The remaining balance from Years 1 and 2 have been allocated to projects outlined in table 5.3 below which were put forward and approved by the Board in December 2019.

5. Year 3 Forecast

- 5.1 Receipts for Year 3 are expected to exceed £400,000, remaining consistent with the two previous years.

- 5.2 The table below outlines our year 3 projected expenditure.

Year 3	£365,645
Met Police - MOPAC Agreement December 2019 to October 2020	£195,000
Enforcement	£64,000
CCTV	£10,000
Operational Costs (LNL Manager, Design, Development, Training, Licenses, Events)	£96,645

5.3 Proposals have been accepted at the Board on to allocate the remaining funds from previous years, which equate to £347,432. The table below outlines these accepted proposals which total £305,880.

Police Additionality for Year 3 & 4*

‘Police Additionality’ is essentially a reserve fund to be spread over the next two years and contracted quarterly on top of the base contract amount. £200,000

Additional Hackney Nights Campaigns / Initiatives

The Levy is being used to develop an annual calendar of activity for NTE public awareness campaigns under the Hackney Nights brand. The aim is to raise awareness about issues related to safety in the NTE and continue to raise the profile of Hackney Nights. These bursts of activity will mostly focus on physical and social advertisements as well as venue toolkits and / or training. £20,000

Extension and Upgrade of the Radio Network

Extension of the radio scheme to up to 100 additional late night premises in the areas of the borough outside of Shoreditch. £41,700

Upgrade all current networks and radios to a digital network. This upgrade would allow for more safety features when using the radios such as custom maps, call recording and storage and detailed usage reports. £7,180

LNL Support & Outreach Officer (1 Year)

Officer to assist in providing outreach to licensees in regards to training and administration of the portal. This will be a part-time role and will enable more licensees to be engaged and also develop more work with off-licenses. Circa £32,000

Public Urination - Consultation / Signage in NTE Areas

Funding has been set aside to assess problems with on-street urination. Working with Hygiene Services, Streetscene which may lead to the provision of additional sanitary facilities in NTE areas. £5,000

Total Proposals: £305,880

6. Conclusions

- 6.1 It is anticipated that the income in Year 3 will be consistent with that collected in Years 1 and 2.
- 6.2 Following on from the extremely successful Operation Lagana, the Police allocation will increase to £400,000 over the next two years. This increase in funds will now be contracted quarterly and will facilitate adjustments for special periods or operations. It will also enable the terms to be reviewed on a more frequent basis.
- 6.3 In addition to this, investment into prevention and engagement will continue with the balance carried over from Year 1. Under the Hackney Nights umbrella, the aim will be to promote safe and healthy behaviour on a night out. Communication and engagement will increase with licensees by increasing the accessibility of information and by expanding existing networks across the borough and providing regular training for operators and their staff.
- 6.4 CCTV capabilities and networks will be expanded to connect licensees to authorities and each other as well as improve communication between agencies.
- 6.5 By the end of Year 3 approximately 88% of the balances from Years 1 and 2 would have been allocated with a small percentage of the annual income of year 3 retained for contingencies or new projects.
- 6.6 Notwithstanding the above, the Licensing Service will continue to prepare and present interim reports to the Licensing Committee which, as well as the Board, will maintain oversight of the Levy moving forward.

This page is intentionally left blank