



# LICENSING COMMITTEE

Wednesday, 9th September, 2020

at 7.00 pm

Until further notice, all council meetings will be held remotely. Live stream link available at:

<https://youtu.be/NqCHBEU80CM>

## Membership

Cllr Emma Plouviez (Chair), Cllr Brian Bell (Vice-Chair), Cllr M Can Ozsen, Cllr Gilbert Smyth, Cllr Sharon Patrick, Cllr Margaret Gordon, Cllr James Peters, Cllr Caroline Selman, Cllr Sophie Conway, Cllr Sem Moema, Cllr Peter Snell, Cllr Kofo David, Cllr Penny Wrout and Cllr Harvey Odze

**TIM SHIELDS**  
Chief Executive

Contact:  
Rabiya Khatun  
Tel: 020 8356 8407  
Email: [Rabiya.khatun@hackney.gov.uk](mailto:Rabiya.khatun@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, 9th September, 2020**

### **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>Late Night Levy Update</b>	<b>1 - 36</b>
<b>4</b>	<b>The Business and Planning Act 2020</b>	<b>37 - 40</b>
<b>5</b>	<b>Any Other Urgent Business</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 Dawn Carter-McDonald, Interim Director of Legal and Governance, on 020 8356 6234 or email [dawn.carter-mcdonald@hackney.gov.uk](mailto:dawn.carter-mcdonald@hackney.gov.uk)



FS 566728

<b>UPDATE ON THE LATE NIGHT LEVY</b>	
<b>LICENSING COMMITTEE</b>  <b>9 SEPTEMBER 2020</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>AJMAN ALI</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”) and the most recent meetings of the Late Night Levy Board.

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

- 2.1 That the Licensing Committee notes the report and the Appendices.

## **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.

**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”) and the minutes of the most recent board meeting. There are no financial considerations at this time.

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

5.1 This report is solely for noting as such there are no legal matters arising from the report that require comment on at this stage.

**APPENDICES**

Appendix 1 – Update to the Late Night Levy Board held on 2 July 2020

Appendix 2 – Minutes of the Late Night Levy Board held on 2 July 2020

Appendix 3 – Update to the Late Night Levy Board held on 20 August 2020

Appendix 4 – Minutes of the Late Night Levy Board held on 20 August 2020

**EXEMPT**

Not applicable.

**BACKGROUND PAPERS**

Not applicable.

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<p><b>Comments of the Group Director of Finance and Corporate Resources</b></p>	<p><b>Avril Smith</b></p> <p><b>Group Accountant</b></p> <p><a href="mailto:avril.smith@hackney.gov.uk">avril.smith@hackney.gov.uk</a></p> <p><b>Tel: 020 8356 3947</b></p>
<p><b>Comments of the Director of Legal</b></p>	<p><b>Amanda Nauth</b></p> <p><b>Licensing and Corporate Lawyer</b></p> <p><a href="mailto:amanda.nauth@hackney.gov.uk">amanda.nauth@hackney.gov.uk</a></p> <p><b>Tel: 020 8356 6345</b></p>

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Licensing Service  
Late Night Levy Update  
July 2020

## 1. Annual Fees

We recognise that the unprecedented arrangements that were put in place to address Covid-19 have created a particularly challenging environment for the majority of Hackney's licensees. Since the outset of the covid crisis, we have therefore been keen to take a considered and pragmatic approach to licensing and late night levy fees.

While the Government and the Mayor of London have endorsed taking a pragmatic and flexible approach there has been no sign, to date, to alter the legislative requirements surrounding the payment of fees. This means until such time as the legislation changes, we are unable to amend the annual fee. However, we will delay sending renewal letters and suspending licenses for non-payment of late night levy fees where the businesses have had to close under coronavirus regulations. This position will be reviewed again at the end of July and may well need to be extended further depending on the national picture at the time.

## 2. Current Projects

### **Hackney Nights**

The LBBTQ+ Hate Crime campaign for June and training sessions have been cancelled due to Coronavirus.

The Hackney Nights Portal is in the final build stage of development. Online training, resources and Covid-19 related guidance will be available. The commissioned portal has been delayed because of issues with workforce but it is moving ahead at a fast pace, we should have a BETA version in July.

### **Work with Police**

The Police are continuing to work with us throughout this crisis ensuring the security of our licensed premises and to prepare re-opening and enhance safe trading practices for all residents and businesses in Hackney. The most recent Police agreement of £150K started on April 1st and renewal is set for 31st of July. We have a balance that will carry over into the next agreement period as expenditure dropped significantly due to Covid-19. Police to provide a verbal update on their strategy.

## Engagement with Licensees

We have sent letters to every late night levy licensee in April to provide an update and support throughout this crisis. LNL Manager has been holding “Open Office Hours” every Tuesday, taking calls and helping the licensees navigate a way forward. Working with business support, we have been reaching out and asking licensees to sign up to receive updates, etc.

Licensing Service has hosted three online advice sessions to engage with licensees ahead of re-opening and more sessions are planned for the 3rd week of July.

### 3. Financial Impact

Our current annual budget (November 2019 to the present), expenditure is at £354,256 and we have taken £214,139 in receipts (November 2019 to June 2020). We have a balance carried over of £287,306. We have undertaken a detailed financial analysis of different scenarios and loss of revenue due to Coronavirus. The balance carried over could possibly support a maximum of 6 month fee loss before the budget would have a deficit.

### 4. Reopening of the Night Time Economy

On July 4th, all bars, pubs and restaurants will be allowed to open under new government guidelines, summary of some key points is below. We have also been working with police, business support, communications, councillors, senior management, emergency control, enforcement, markets, highways and street scene to collaborate on a reopening plan.

- Gatherings of no more than 30 in a party
- Operators must gather names and contact details of everyone who attends the venue
- Staff rotation and staggering of working hours
- Encouraging use of contactless ordering from tables where available. For example, through an ordering app
- Indoor table service must be used where possible, alongside further measures such as assigning a single staff member per table. Outdoor table service should also be encouraged, although customers are permitted to stand outside if distanced appropriately. Where bar or counter service is unavoidable, preventing customers from remaining at the bar or counter after ordering.
- Encouraging use of outdoor areas for service where possible. For example, increasing outdoor seating or outdoor points of service such as stalls.
- Public toilets, portable toilets and toilets inside premises should be kept open and carefully managed to reduce the risk of transmission of COVID-19.

- Where necessary, informing customers that police and the local authorities have the powers to enforce requirements in relation to social distancing and may instruct customers to disperse, leave an area, issue a fixed penalty notice or take further enforcement action.
- Risk Assessment must be conducted prior to opening
- At this time, venues should not permit live performances, including drama, comedy and music, to take place in front of a live audience.
- All venues should ensure that steps are taken to avoid people needing to unduly raise their voices to each other. This includes, but is not limited to, refraining from playing music or broadcasts that may encourage shouting, including if played at a volume that makes normal conversation difficult. Communal dancing should also not continue.
- An assessment for all sites, or parts of sites, that have been closed, before restarting work. • Cleaning procedures and providing hand sanitiser before restarting work.
- PPE and face coverings are not essential unless premises deemed risky. Unclear about security and searching procedures.

Full Guidance can be found here:

<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/restaurants-offering-takeaway-or-delivery>

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## Minutes of the Late Night Levy Board Meeting

July 2nd, 2020 @ 14:00pm via Zoom

### Present:

Cllr Emma Plouviez (EP) – Chair, also chair of Licensing Committee  
 Cllr Caroline Selman (CS) - Cabinet member for Community Safety  
 Robert Gardner (RG) - LBH - Business Regulation & Enforcement  
 David Tuitt (DT) - LBH - Licensing Team Leader  
 Olga Vandenberg (OV) - LBH - Business Communications & Engagement Officer  
 Samantha Mathys (SM) - LBH - Late Night Levy Manager  
 Emma Wynne (EW) - LBH - Communications Officer  
 William Knowles-Moffard (WKM) – Shoreditch Pubwatch  
 Margaret Ryan (MRy) – Stoke Newington Pubwatch  
 Jeremy Ledlin (JL) - Dalston Pubwatch  
 Adam Popple (AP) - Hackney Central Pubwatch  
 Dominic Barnes (DB) Met Police

### Apologies

Gerry McCarthy (GC) - LBH - Head of Community Safety, Enforcement and Business Regulation  
 Sam Horton - Met Police  
 Maurice Mason - LBH - Community Safety  
 William Knowles-Mofford (WKM) - Shoreditch Pubwatch

<p>1. <b>Chairs Introduction and Round table introductions &amp; Apologies</b></p> <p>The Chair Cllr EP introduced herself and asked everyone else present to do the same.</p>	<p><i>Action</i></p> <p><i>Noted</i></p>
<p>2. <b>Minutes of meeting December &amp; matters arising</b></p> <p>Minutes of December accepted as a true record.</p>	<p><i>Noted</i></p>
<p>3. <b>LBH - Late Night Levy Update</b></p> <p><u>Update</u></p> <p>SM presented the Late Night Levy update for July 2020, see attached papers.</p> <p>JL raised a question about the late night levy fees and the payment of these. Would a refund to licensees be possible?</p> <p>DT clarified for the board that the legislation sets out how the money collected must be spent. LBH would need to look at whether this could lawfully be done. On the face of it, it does not appear to be</p>	<p><i>Noted</i></p> <p><i>DT to look into the legalities and clarify for next meeting.</i></p>

<p>something that can be done. He confirmed that it would be quite difficult to be able to do that as we have undertaken activities this year that we have already committed to.</p> <p>Cllr Selman asked that DT clarify on this ASAP and reiterated that she was under the impression based on previous discussions that a refund / rebate was not feasible.</p> <p>JL added that it has been extremely tough for licensees and operators and that a rebate would be very welcomed and much needed.</p> <p>EP added that her issue with the refund was that a lot of premises paying the late night levy continued to trade throughout the pandemic. Food businesses have been open and selling all the alcohol currently being sold in the borough. It would need to be done fairly and would be quite difficult to determine the premises entitled to a refund.</p> <p>DT added that even though some businesses have been ordered to close they could still be undertaking some activity. There are many premises that have also remained open, such as supermarkets and off licences.</p> <p>WFM added that he would like to reinforce the position held by JL and that a rebate is something worth looking into. This has become the hottest topic with members from the Shoreditch pubwatch. He also added that many of his members are remaining closed after the 4th of July, specifically nightclubs. He said it is extremely important for the council to let operators now that they've looked into this extensively and due diligence was applied in order to reassure business owners.</p> <p>EP replied and confirmed that the council will look into identifying those premises of which had to remain closed after July 4th and see what the possibilities exist for them and what the implications are in regards to annual fees.</p> <p>SM then provided an update on the government guidelines around the re-opening of bars, restaurants and pubs and key points, see attached July 2020 update.</p> <p>DB stated that it would be useful to know what premises are opening on the weekend of July 4th so they can adjust their policing plan.</p>	<p><i>Noted</i></p> <p><i>Noted</i></p> <p><i>DT and SM to look into</i></p>
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<p>JL added that an email was circulated to all their members and that this information was relayed to the licensing unit at Stoke Newington Police station.</p> <p>CS added that this intel is being incorporated into our partnership tasking processes with the Police and that we already have a sense of who will be re-opening.</p> <p>MR added that operators are extremely anxious about operating at reduced capacity and the cost associated with these extra measures.</p> <p>WFM members will be reopening apart from nightclubs. He would like to point out that managers are in debt to landlords and are under immense pressure. He added that he hopes enforcement will be fair and that authorities bear in mind that when approaching an operator, that they are approaching a very stressed individual who has been under an enormous amount of pressure compared to six months ago. The desired outcome is one where we all learn together in this process as it is unprecedented and that enforcement take a more pragmatic approach.</p> <p>MR asked will enforcement and Police be the same as pre-lockdown?</p> <p>DB added in terms of the Police response, it will be similar deployments that were in place prior to Lockdown. Operation Lagana will be moving forward throughout this reopening period. He understands some of the nervousness and anxiety. MET police officers will deploy an engagement based strategy and explain as well as encourage operators as opposed to undertake any unnecessary enforcement activity.</p>	<p><i>Noted</i></p> <p><i>Noted</i></p>
<p><b>4. Police, update and options.</b></p> <p><b>Police Update</b></p> <p>DB reiterated that the focus will be on maintaining Operation Lagana which will include Safer Neighborhood officers and Licensing officers as well as the regular NTF officers who are well acquainted with the night time economy in Hackney and have been policing it for almost over a year now. Operational tactics and deployments will not change. Their priority is to maintain public safety and ensure everyone can enjoy themselves safely. Sam Horton will be the tactical delivery lead on the ground.</p>	<p><i>Noted</i></p>

5. Pubwatch representative options and observations	
<p><u>Hackney Central Pubwatch</u></p> <p>AP addressed concerns similar to other pubwatch groups. Question marks over the enforcement would be delivered. He suggested that a letter confirming the Police's position from the Licensing unit at the MET would be well received and ease concerns from licensees. They would appreciate the reassurance.</p> <p>AP has added that it might be worth getting a solid position on the question of rebates / refunds as some operators may simply decide to rollback hours as they don't believe they are getting much from the late night levy.</p> <p>EP added that we would not like to give the impression that a rebate is possible, the council has already taken a stance of not collecting fees for a certain amount of time. She would not like the takeaway to be that the rebate is possible but that in her view this would not be possible.</p> <p>SM added that during a London wide licensing group meeting that the issue of rebates and refunds was discussed. The 7 London boroughs who adopted the late night levy were keen to find a solution around rebates / refunds to help licensees in their borough. However, it was determined that there was no provision for any sort of refund or rebate mechanism to allow local authorities to move forward with this initiative.</p> <p><u>Stoke Newington</u></p> <p>MR Stoke Newington pubwatch is eager to open for business but was a bit of anxiety in regards to associated crime and disorder but she is reassured to know Police and licensing will be about. SHE raised the issue of waste removal due to off sales. She fears this will increase.</p> <p>CS added that the strategy has been discussed intensely at partnership tasking meetings; additional resources have been allocated to ensure that clean street initiatives are factored into the reopening plan.</p> <p><u>Shoreditch Pubwatch</u></p> <p>WKM raised the issues around outdoor trading and the provision of selling alcohol for consumption off premises.</p>	<p><i>Noted</i></p> <p><i>DB to ensure letter is circulated</i></p> <p><i>Noted</i></p> <p><i>Noted</i></p> <p><i>Noted</i></p>

<p>DT explained the business and planning bill which would come into effect at the end of July would grant off sales to all 'on sales' premises licenses automatically without the need for an application. We are constrained by the legislation and the council is adopting a pragmatic approach to new applications</p>	<p><i>Noted</i></p>
<p>WKM pointed out that a major variation application is just not practical for operators as the turnaround is way too long. He asked whether the council was planning on adopting a better system for business owners to be able to adapt more quickly. Concerns were voiced over the changing landscape of how pubs and bars are trading and that this will have an effect on crowds and street drinking will increase. He would like to see a temporary suspension to the rules in regards to trading outside and allow licensees to trade off sales for reopening weekend.</p>	<p><i>Noted</i></p>
<p>RG added that the law is quite clear about who is allowed to trade at the moment and unfortunately the council must conform to the law as it is at this time. He also added that there might be added amends to that legislation and that we as a council cannot act before the act has passed.</p>	<p><i>Noted</i></p>
<p>WKM added that perhaps this could be managed via TENS application as opposed to having the council jump ahead of the government legislative changes.</p>	<p><i>SM and DT to send out an email to pubwatch chairs before the weekend</i></p>
<p>RG added that members are encouraged to apply for a TENS if they feel like they would like to but that Police are mostly responsible for representations in regards to TENS applications.</p>	<p><i>SM to arrange</i></p>
<p>EP added that a staggered approach would probably be in the interest of the council and that each case should be evaluated and decided on its own merits.</p>	
<p>DB and RG would like to reiterate the partnership approach to get the best possible results with enforcement only being used as a last resort.</p>	<p><i>Noted</i></p>
<p><u>Dalston Pubwatch</u></p>	
<p>JL would like to reiterate AP's previous point in regards to reassuring operators and stressed the importance of receiving local</p>	<p><i>Noted</i></p>

<p>guidance on top of the government published guidance and would welcome any additional information that could be circulated.</p> <p>JL suggested that we hold the licensing advice sessions more frequently.</p>	<p><i>SM to coordinate</i></p>
<p>6. <b>AOB</b></p>	
<p>N/A</p>	
<p>7. <b>Date of Next Meeting.</b></p> <p>The next meeting is 20 August 2020 via Zoom, details to be circulated</p>	<p><i>Noted</i></p>

# Late Night Levy Board

August 2020



## Update regarding the legalities around the Late Night Levy and fees

It is clear from previous legal advice that the Council is unable to refund levy already paid, reduce or waive future levy payments owed under the legislation. Therefore the rationale behind a rebate is that an amount of the revenue collected in Year 3 is set aside for a 'fund' to be redistributed to those licensees that have paid.

Under the legislation, the Council uses its portion of the revenue (less the minimum 70% payment to the Police and administration costs) to provide services and activities which:

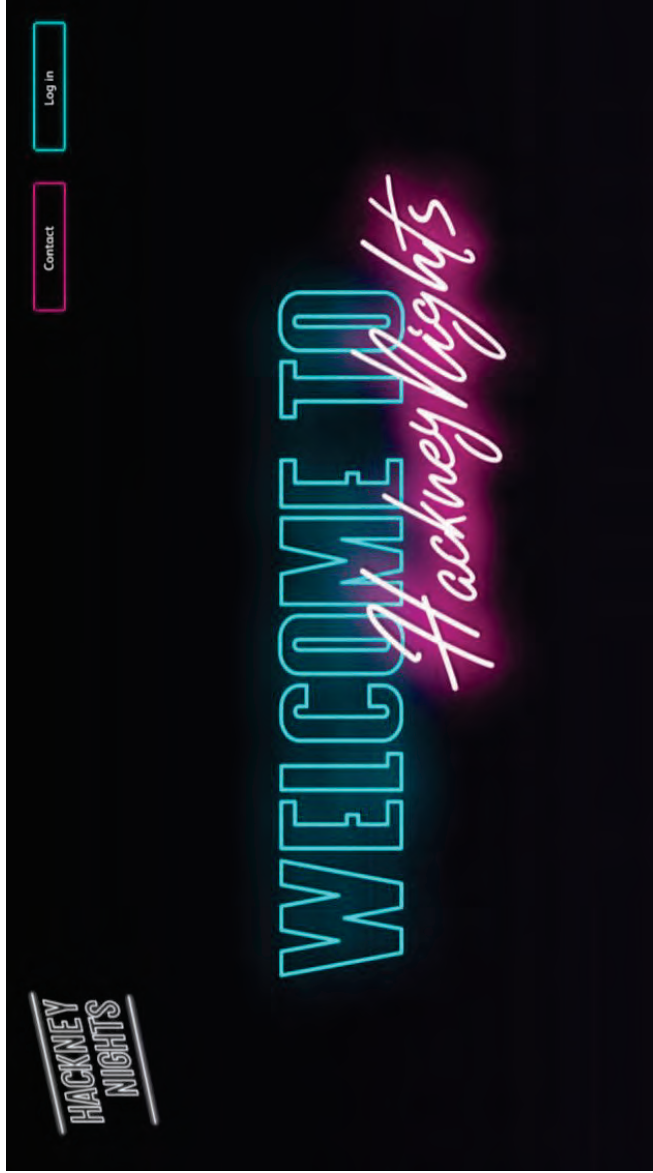
- reduce or prevent crime and disorder
- promote public safety
- reduce or prevent public nuisance

It is worth noting that the interruption caused by the pandemic will vary from business to business. This means that some method of means testing would be required which would itself create an additional administrative and financial burden. It is therefore concluded that allocating levy revenue to a fund which would then be used as a rebate would not be consistent with the objectives set out above.

# July Activities

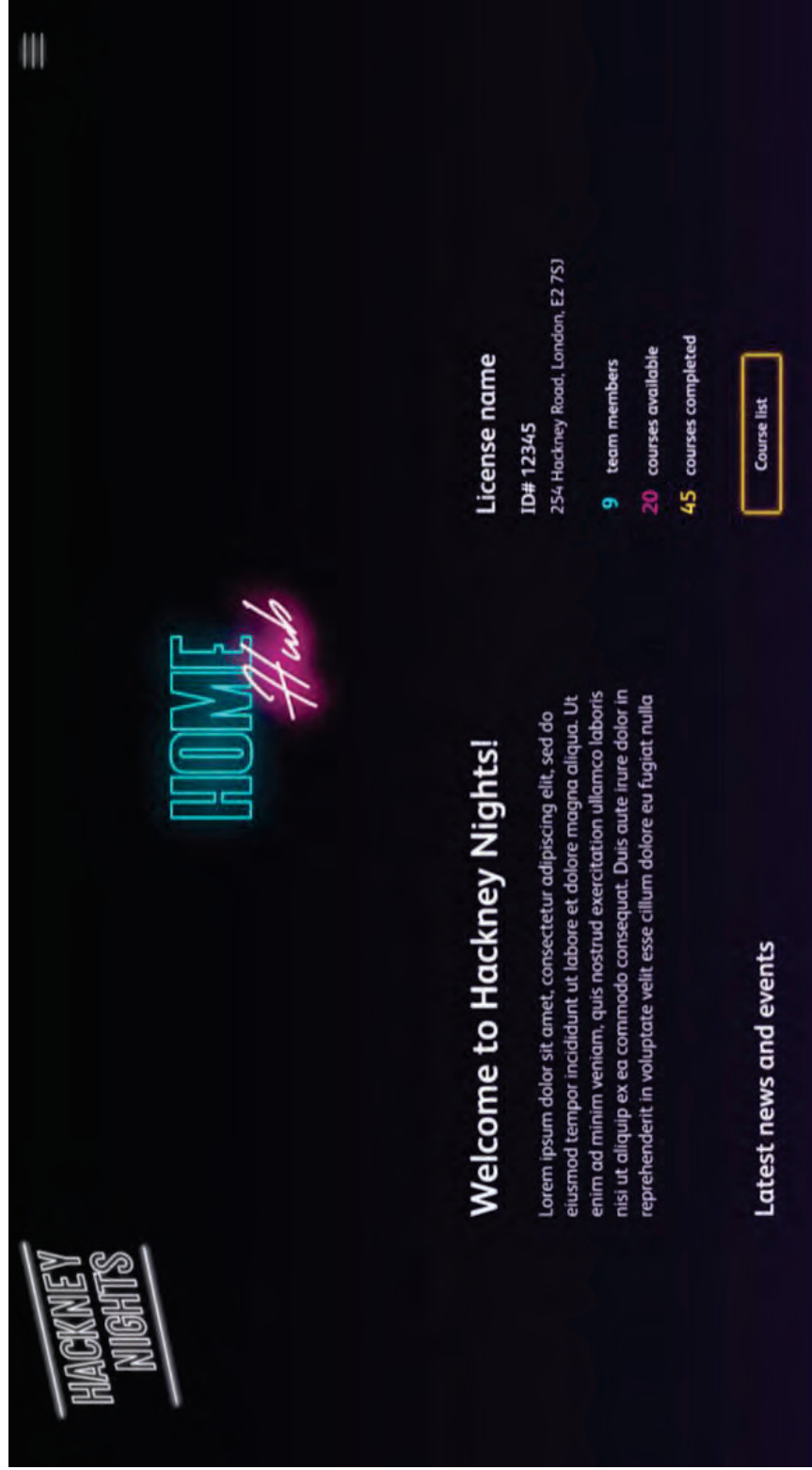


# Hackney Nights Portal

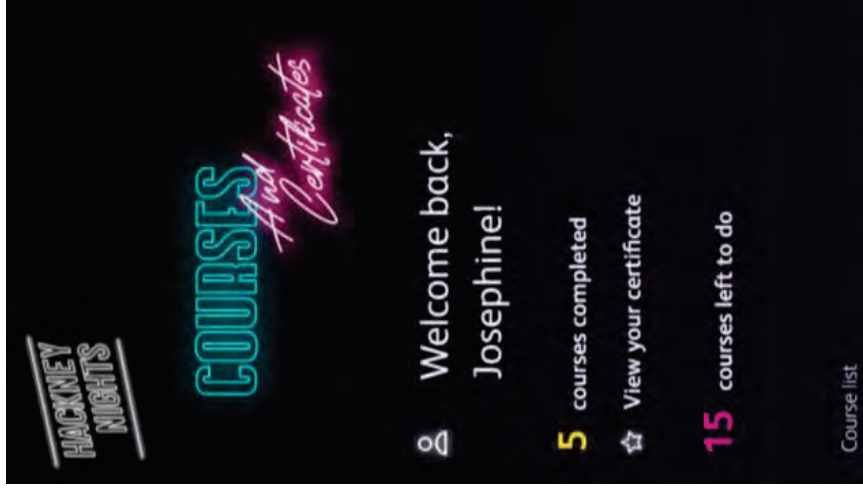




# Hackney Nights Learning Portal

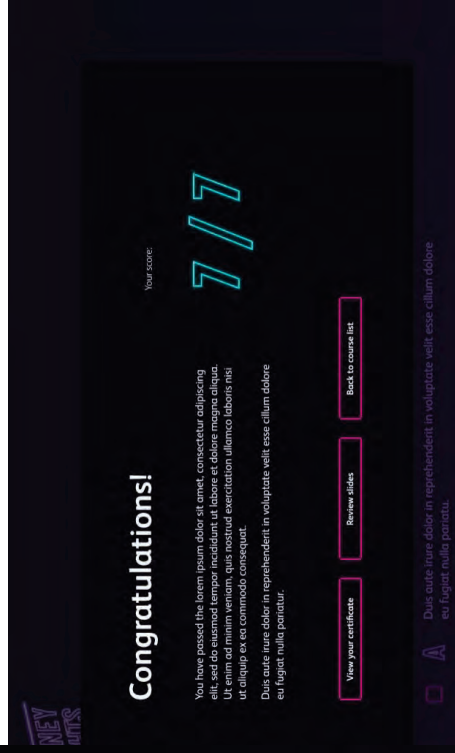


# Hackney Nights Learning Portal



Online Safety Courses for the launch will include:

- Metropolitan Police ACT Counter Terrorism Course
- Drinkaware vulnerability and Conflict Management Course
- Coronavirus Guidelines for licensed premises
- Substance Misuse Training (drink spiking, chem sex, NOX and drugs)
- To Serve or Not to Serve

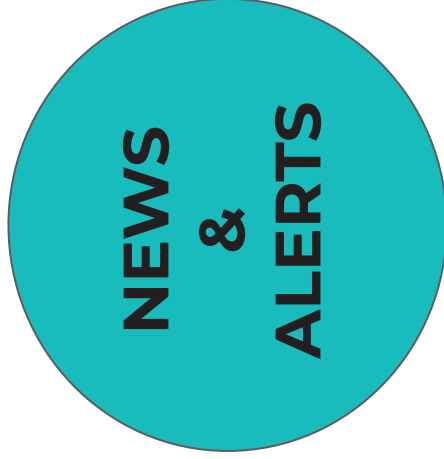


# Hackney Nights Learning Portal

Other Areas of the Portal



Live and streamed event listing with meetings, panels, trainings and more.



- Important safety messages and alerts from MET and the council
- Important updates / newsletters
- Surveys



- Posters
- Information
- Forms
- Policies
- FAQs



- Guides
- Checklists
- Best Practice Scheme to be introduced post-covid



# Anti ASB / Mobile Messaging Vehicle

- The Late Night Levy has funded four weekends of coordinated activities with Police Officers from the Neighbourhood Improvement District to increase engagement with visitors to the re-opened NTE/hospitality sector.
- Hackney Nights messaging around crime prevention advice, safer socialising, sexual harassment, anti-social behaviour advice as well as bespoke content around ASB in parks such as London Fields was displayed on a mobile messaging vehicle around the borough.
- 530 crime prevention leaflets with anti-robbery and theft information were distributed by Met Support Volunteers and Officers. One machete was recovered during weapon sweeps and we received very positive feedback from local residents and the wider community who were speaking to officers and volunteers and taking photographs of the MMV.



Anti ASB / Mobile Messaging Vehicle



# Anti ASB / Mobile Messaging Vehicle



# Anti ASB / Mobile Messaging Vehicle



# Future Activities



Joint anti-robbery / theft campaign with MET Police Neighborhood Improvement District with activities planned over the Bank Holiday weekend.

**AIMS:**

- Raise awareness of vulnerability to Personal Robbery in key locations (allows for a baseline to be taken against understanding)
- Increase understanding of what people can do by equipping the public with sound crime prevention advice
- Work with partners to increase the impact of comms and provide advice and toolkits to officers to equip them to do this.



- Continued engagement and development work with licensees and partners around the Hackney Nights portal. We are in the process of having sign up cards designed for the purpose of distributing to licensees so they can sign up via the link [hackneynights.co.uk/signup](https://hackneynights.co.uk/signup).

We are also in the process of setting up our own Hackney Nights social media accounts which will focus on night time safety messaging and information. The Neighborhood Improvement district and MET Police are working with us to ensure all available information will be available via the Portal as well utilise the alerts system to send out important messages in one push to every licensee's inbox.

- Engagement work in partnership with Hackney Business Network to assess the current state of the night time economy as well as help us to evaluate the long term implications that the pandemic has had on Hackney licensees to make sure that the financial viability of next year's levy activities is assured.



# Financial Summary



London Borough of Hackney - Licensing Service	
Late Night Levy Year 3 - Summary	Budget
	Year 3
<b>INCOME</b>	
Balance Carried Over from Previous years	£490,528.00
Total Receipts Nov 19 to July 20	£230,551.00
<b>Total</b>	<b>£721,079.00</b>
<b>BUDGETED AMOUNTS</b>	
<b>Recurring Expenditure</b>	
MOPAC - Police Funding	£245,000.00
Enforcement Patrols	£64,000.00
CCTV	£5,000.00
Salaries, Administration and Ongoing costs	£85,002.00
<b>Non-Recurring Expenditure</b>	
Radio Upgrade and Scheme for Licensees	£24,010.00
CCTV - Relocatable Cameras, Van and Deployments	£35,698.00
Print, Advertisement and Design	£7,270.00
Events	£1,785.00
Women's Safety Campaign and Training (Good Night Out)	£14,150.00
Drinkaware Training License	£10,000.00
Hackney Nights Portal Build	£24,500.00
Mobile Messaging Vehicle	£3,564.00
<b>Total Expenditures / Allocations</b>	<b>£519,979.00</b>
Final Balance	£191,100.00

- We are down approximately £108K in receipts compared to the same time last year due to the decision to not send renewal letters to bars, pubs, restaurants and nightclubs.
- The balance carried over from previous years have covered any shortfalls in income due to Coronavirus.
- A full financial analysis will be conducted during the month of September as we will start to be able to determine what businesses are expected to continue trading.

# Police Update

Operation Lagana

NTF Officers, TSG and the licensing unit are out every Friday and Saturday night in night time economy areas.

These are the cumulative returns for the operation.

Police to provide verbal update.

	<u>Stop and Search Overall</u>	<u>Total</u>
<u>Weapons Sweeps</u>	11	233
<u>Premises search (Sec 18/32 PACE etc)</u>	2	40
<u>Premises Searched under Warrant</u>	0	167
<u>Firearms Seizures</u>	0	0
<u>Offensive Weapons / Knife Seizures</u>	4	12
<u>Cash Seizures</u>	0	11
<u>Vehicle Seizures</u>	3	57
<u>Drug Seizures</u>	22	8
<u>NOX Canister Seizures</u>	2	0
<u>Arrest Enquiries</u>	0	
<u>Total CADs attended</u>	216	11
<u>Weapon/ Violence CADs</u>	104	15
<u>Non Weapon / Violence CADs</u>		9



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## Minutes of the Late Night Levy Board Meeting

August 20th, 2020 @ 14:00pm via Zoom

### Present:

Cllr Emma Plouviez (EP) – Chair, also chair of Licensing Committee  
 Gerry McCarthy (GC) - LBH - Head of Community Safety, Enforcement and Business Regulation  
 Samantha Mathys (SM) - LBH - Late Night Levy Manager  
 William Knowles-Moffard (WKM) – Shoreditch Pubwatch  
 Margaret Ryan (MRy) – Stoke Newington Pubwatch  
 Jack Soilleux (JS) - Dalston Pubwatch  
 Adam Popple (APO) - Hackney Central Pubwatch  
 Andy Port (AP) - Met Police

### Apologies

Cllr Caroline Selman (CS) - Cabinet member for Community Safety  
 Robert Gardner (RG) - LBH - Business Regulation & Enforcement  
 David Tuit (DT) - LBH - Licensing Team Leader  
 Olga Vandenberg (OV) - LBH - Business Communications & Engagement Officer  
 Emma Wynne (EW) - LBH - Communications Officer  
 Sam Horton - Met Police  
 Maurice Mason - LBH - Community Safety

<p>1. <b>Chairs Introduction and Round table introductions &amp; Apologies</b></p> <p>The Chair Cllr EP introduced herself and asked everyone else present to do the same.</p>	<p><i>Action</i></p> <p><i>Noted</i></p>
<p>2. <b>Minutes of meeting December &amp; matters arising</b></p> <p>Minutes of July accepted as a true record.</p>	<p><i>Noted</i></p>
<p>3. <b>LBH - Late Night Levy Update</b></p> <p><b><u>Update</u></b></p> <p>SM presented the Late Night Levy update for August 2020, see attached papers.</p> <p>SM shared the sign up link for the portal:  <a href="http://hackneyrights.co.uk/signup">hackneyrights.co.uk/signup</a></p> <p>EP welcomed a clear outlook on the subject of annual fees and noted that a rebate would not be feasible for the reasons outlined in the report.</p>	<p><i>Noted</i></p> <p><i>Noted</i></p>

<p><b>4. Police, update and options.</b></p> <p><b>Police Update</b></p> <p>AP gave an overview of the results from Operation Lagana which has been active since the re-opening of the night time economy, see attached papers. He also raised the issues around Boundary Estate and Calvert avenue, with Tower Hamlets feeling as though they are taking on the associated disorder with Hackney's NTE.</p> <p>APO asked about the effect that unauthorised music events were having on resources available during NTE Hours.</p> <p>AP answered that this was something that they did have additional resource for but that there is always a possibility of LNL resources being used to respond to UME events or other incidents.</p>	<p><i>Noted</i></p> <p><i>Noted</i></p> <p><i>Noted</i></p>
<p><b>5. Pubwatch representative options and observations</b></p>	
<p><u>Stoke Newington Pubwatch</u></p> <p>MR raised the issue of toilet provision and asked to be updated on the status of the toilet consultations.</p> <p>SM replied that we have decided to defer the consultation until some sort of normalcy post-Covid has been restored to the night time economy as the pandemic has changed the landscape. This is likely to resume in 2021.</p> <p>MR also raised that her members would like to see revenue from FPNs issued for urination to be invested back into the levy.</p> <p>GM confirmed that the receipts from FPNs and other fines are invested back into the Enforcement service. These fines cannot re-enter the Late Night Levy fund as these are controlled by a different budget within the council.</p> <p>MR also raised how pubs are nervous about their future and trying to remain profitable while maintaining social distancing.</p> <p>MR also raised the anxiety that operators were feeling in regards to the festive period and Christmas bookings and whether or not the night time economy would be operating as normal.</p> <p><u>Hackney Central Pubwatch</u></p> <p>APO explained how Oslo wasn't planning on opening until the end of September because it wouldn't be financially viable for them to do so.</p>	<p><i>Noted</i></p> <p><i>DB to ensure letter is circulated</i></p> <p><i>Noted</i></p> <p><i>Noted</i></p> <p><i>Noted</i></p> <p><i>Noted</i></p> <p><i>Noted</i></p> <p><i>Noted</i></p>



<p>He went on to explain that most of the premises are trading on reduced hours and reduced capacity so it is very hard for them to survive this period. Pavement licences would definitely be helpful to expand their capacity.</p>	<p><i>Noted</i></p>
<p>APO also brought to the board's attention that the issue of persistent begging in Hackney Central reported in previous meetings seems to have gone down since the start of the pandemic.</p>	<p><i>Noted</i></p>
<p><u>Shoreditch Pubwatch</u></p>	
<p>WKM wanted to highlight what Westminster are doing in regards to Road Closures. This would help the premises in Shoreditch trade more safely and even allow some of those that remain closed to open. He asked what the council was doing to explore the use of public spaces as a space for tables and chairs?</p>	<p><i>Noted</i></p>
<p>GM explained that the council was looking into various road closures but that there were other factors that played a part in their feasibility. The counter terrorism threat would be higher with these road closures and the fire brigade and TFL all had input.</p>	<p><i>Noted</i></p>
<p>WKM recognised that there were safety implications for closing a street and allowing tables and chairs and certainly would not be asking the council to go against any safety issues. He then asked if the closures being considered were to cover both daytime and nighttime as perhaps if they had been deemed unsafe for nighttime, they could possibly consider a daytime closure for tables and chairs as this would greatly help Shoreditch businesses.</p>	<p><i>Noted</i></p>
<p>GM said he would look into the matter further and get back to him on this.</p>	<p><i>SM to put WMK in contact with GM</i></p>
<p><u>Dalston Pubwatch</u></p>	
<p>EP welcomed Jack Souilleux, the new chair of the Dalston Night Time Economy Forum (pubwatch).</p>	<p><i>Noted</i></p>
<p>JS explained that the Dalston night time economy forum was held the previous day and the Mayor had attended.</p>	<p><i>Noted</i></p>
<p>He raised the issues around Gillett Square and the ongoing ASB and nuisance encountered by Licensees around the square.</p>	<p><i>Noted</i></p>

<p>GM addressed these concerns and explained that the area was made a priority area and that an action plan was being worked on by the community safety partnership, which included officers from the Police as well as the council.</p>	<p><i>SM to put JS in touch with Amalia Rodriguez.</i></p>
<p>6. <b>AOB</b></p>	
<p>N/A</p>	
<p>7. <b>Date of Next Meeting.</b></p> <p>The next meeting is 8 October 2020 via Zoom, details to be circulated</p>	<p><i>Noted</i></p>

<b>THE BUSINESS AND PLANNING ACT 2020</b>	
<b>LICENSING COMMITTEE</b>  <b>9 SEPTEMBER 2020</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>AJMAN ALI</b>	

## 1. INTRODUCTION

- 1.1 This report has been prepared to provide the Licensing Committee with an update on the modifications to the Licensing Act 2003 as a result of the Business and Planning Act 2020 ("the 2020 Act") which received Royal Assent on 22 July 2020.

## 2. RECOMMENDATION(S)

- 2.1 That the Licensing Committee notes the report and the Appendices.

## 3. BACKGROUND

- 3.1 The 2020 Act was introduced by the Government with the aim of supporting specific sectors of the economy affected by the Coronavirus pandemic outbreak and subsequent measures to limit the spread of the virus. The 2020 Act:

- Temporarily allows on-licensed premises to make 'off-sales' without the need for a variation application to be approved.
- Also establishes a new procedure by which cafes, pubs and restaurants may apply for a "pavement licence" to put chairs and tables outside their premises.

## **Automatic Off-sales**

3.2 From 22 July 2020, all premises licences issued under the Licensing Act 2003 are authorised to sell alcohol for consumption off the premises (take away) unless within the three years prior to the date, a “disqualifying event” occurred. These are:

1. An application for off-sales was refused either as a new or variation application; or
2. An application was made to exclude off sales from a premises licence

## **Conditions and restrictions**

- 3.3 There is a maximum cut-off time of 11pm for the off-sales entitlement. However, if a licence has a condition attached restricting the hours on a terrace or beer garden etc to an earlier time, the earlier hour would apply.
- 3.4 In cases where the automatic off-sales entitlement applies, every off-sale must be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises.
- 3.5 Where a premises licence is subject to other conditions, such as restrictions on open containers or deliveries which conflict with the automatic entitlement, those conditions are also suspended.
- 3.6 However, the amendments brought in by the 2020 Act includes “Any provisions of the premises licence ... suspended in so far as they are inconsistent with” the automatic off-sales entitlement.
- 3.7 As stated above, the provisions are temporary and are due to end on 30 September 2021. However, this date could be extended or brought forward by way of further regulation.

## **Review Process**

- 3.8 The provisions also introduce a new process of "summary off-licence reviews" for where problems arise as a result of the automatic entitlement. Similar to the expedited review process, a responsible authority can make an application to have the provision reviewed by a Licensing Sub-Committee where the authority is of the view that one or more of the licensing objectives are being undermined.
- 3.9 Where an application is received, the authority must hold a hearing to. The possible steps at the hearing are:

(a) the modification of the conditions of the licence that relate to off-sales authorised by the new permission;

(b) the exclusion of off-sales authorised by the new permission from the scope of the licence; or

(c) the suspension of the new off-sales permission for no more than three months.

- 3.10 In the case of a premises licence with an existing off-sales permission, steps could only modify or exclude the new, temporary conditions or add new conditions to off-sales which relate to those new temporary conditions. The steps would only relate to the new temporary conditions, and not the existing off-sales permission.

### **Pavement Licensing**

- 3.11 The pavement licensing provisions allow for operators to apply for a fast track permission to place tables and chairs on the public highway. Upon receipt of an online application, the authority has 10 working days to determine the application from the day the application is submitted (excluding public holidays) to consult on, and determine the application. This consists of 5 working days for public consultation, and then 5 working days to consider and determine the application after the consultation. If the application is not determined by the authority after the consultation period there is a deemed approval. If the pavement licence is granted with no time limit, then they will automatically come to an end on 30 September 2021. Holders of pavement licences will be able to surrender them in writing if they need to. Pavement licence applications are subject to a maximum application fee of £100.

- 3.12 Powers to issue pavement licences are delegated to the Council's Markets and Street Trading Service.

## **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 Business and Planning Act 2020. There are no financial considerations at this time.

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

- 5.1 This report is solely for noting as such there are no legal matters arising from the report that require comment on at this stage.

## **APPENDICES**

**Not applicable**

**EXEMPT**

**Not applicable.**

**BACKGROUND PAPERS**

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