



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

Tuesday, 6 September 2022 at 7.00 pm

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

Live stream link: <https://youtu.be/r397B9FgBil>

Backup link: https://youtu.be/7udyt4Mj_TQ

Cllr Gilbert Smyth (Chair), Cllr Sophie Conway, Cllr Susan Fajana-Thomas, Cllr Eluzer Goldberg, Cllr Zoë Garbett, Cllr Richard Lufkin (Vice Chair) Cllr Sem Moema, Cllr M Can Ozsen, Cllr Sharon Patrick, Cllr Midnight Ross, Cllr Anya Sizer, Cllr Sheila Suso-Runge, Cllr Joe Walker and Cllr Penny Wrout

Mark Carroll
Chief Executive
26 August 2022
www.hackney.gov.uk

Contact: Natalie Williams,
Governance Officer
governance@hackney.gov.uk

Licensing Committee Tuesday, 6 September 2022

Agenda

- 1 Apologies for Absence**
- 2 Declarations of Interest - Members to declare as appropriate**
- 3 Minutes of the Previous Meeting (Pages 9 - 10)**
- 4 Licensing Service Annual Report 2021/22 (Pages 11 - 28)**
- 5 Late Night Levy - Year 5 Quarter 2 and 3 (Pages 29 - 48)**
- 6 Late Night Levy Governance Structure and Terms of Reference
(Pages 49 - 58)**
- 7 Oral Update from Legal and Governance**
- 8 Any Other Urgent Business**

Public Attendance

Following the lifting of all Covid-19 restrictions by the Government and the Council updating its assessment of access to its buildings, the Town Hall is now open to the public and members of the public may attend meetings of the Council.

We recognise, however, that you may find it more convenient to observe the meeting via the live-stream facility, the link for which appears on the agenda front sheet.

We would ask that if you have either tested positive for Covid-19 or have any symptoms that you do not attend the meeting, but rather use the livestream facility. If this applies and you are attending the meeting to ask a question, make a deputation or present a petition then you may contact the Officer named at the beginning of the Agenda and they will be able to make arrangements for the Chair of the meeting to ask the question, make the deputation or present the petition on your behalf.

The Council will continue to ensure that access to our meetings is in line with any Covid-19 restrictions that may be in force from time to time and also in line with public health advice. The latest general advice can be found here - <https://hackney.gov.uk/coronavirus-support>

Rights of Press and Public to Report on Meetings

The Openness of Local Government Bodies Regulations 2014 give the public the right to film, record audio, take photographs, and use social media and the internet at meetings to report on any meetings that are open to the public.

By attending a public meeting of the Council, Executive, any committee or sub-committee, any Panel or Commission, or any Board you are agreeing to these guidelines as a whole and in particular the stipulations listed below:

- Anyone planning to record meetings of the Council and its public meetings through any audio, visual or written methods they find appropriate can do so providing they do not disturb the conduct of the meeting;
- You are welcome to attend a public meeting to report proceedings, either in 'real time' or after conclusion of the meeting, on a blog, social networking site, news forum or other online media;
- You may use a laptop, tablet device, smartphone or portable camera to record a written or audio transcript of proceedings during the meeting;
- Facilities within the Town Hall and Council Chamber are limited and recording equipment must be of a reasonable size and nature to be easily accommodated.
- You are asked to contact the Officer whose name appears at the beginning of this Agenda if you have any large or complex recording equipment to see whether this can be accommodated within the existing facilities;
- You must not interrupt proceedings and digital equipment must be set to 'silent' mode;

- You should focus any recording equipment on 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 to respect the wishes of those who do not want to be filmed and photographed may result in the Chair instructing you to cease reporting or recording and you may potentially be excluded from the meeting if you fail to comply;
- Any person whose behaviour threatens to disrupt orderly conduct will be asked to leave;
- Be aware that libellous comments against the council, individual Councillors or officers could result in legal action being taken against you;
- The recorded images must not be edited in a way in which there is a clear aim to distort the truth or misrepresent those taking part in the proceedings;
- Personal attacks of any kind or offensive comments that target or disparage any ethnic, racial, age, religion, gender, sexual orientation or disability status could also result in legal action being taken against you.

Failure to comply with the above requirements may result in the support and assistance of the Council in the recording of proceedings being withdrawn. The Council regards violation of any of the points above as a risk to the orderly conduct of a meeting. The Council therefore reserves the right to exclude any person from the current meeting and refuse entry to any further council meetings, where a breach of these requirements occurs. The Chair of the meeting will ensure that the meeting runs in an effective manner and has the power to ensure that the meeting is not disturbed through the use of flash photography, intrusive camera equipment or the person recording the meeting moving around the room.

Advice to Members on Declaring Interests

If you require advice on declarations of interests, this can be obtained from:

- The Monitoring Officer;
- The Deputy Monitoring Officer; or
- The legal adviser to the meeting.

It is recommended that any advice be sought in advance of, rather than at, the meeting.

Disclosable Pecuniary Interests (DPIs)

You will have a Disclosable Pecuniary Interest (DPI) if it:

- Relates to your employment, sponsorship, contracts as well as wider financial interests and assets including land, property, licenses and corporate tenancies.
- Relates to an interest which you have registered in that part of the Register of Interests form relating to DPIs as being an interest of you, your spouse or civil partner, or anyone living with you as if they were your spouse or civil partner.
- Relates to an interest which should be registered in that part of the Register of Interests form relating to DPIs, but you have not yet done so.

If you are present at any meeting of the Council and you have a DPI relating to any business that will be considered at the meeting, you **must**:

- Not seek to improperly influence decision-making on that matter;
- Make a verbal declaration of the existence and nature of the DPI at or before the consideration of the item of business or as soon as the interest becomes apparent; and
- Leave the room whilst the matter is under consideration

You **must not**:

- Participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business; or
- Participate in any vote or further vote taken on the matter at the meeting.

If you have obtained a dispensation from the Monitoring Officer or Standards Committee prior to the matter being considered, then you should make a verbal declaration of the existence and nature of the DPI and that you have obtained a dispensation. The dispensation granted will explain the extent to which you are able to participate.

Other Registrable Interests

You will have an 'Other Registrable Interest' (ORI) in a matter if it

- Relates to appointments made by the authority to any outside bodies, membership of: charities, trade unions, lobbying or campaign groups, voluntary organisations in the borough or governorships at any educational institution within the borough.
- Relates to an interest which you have registered in that part of the Register of Interests form relating to ORIs as being an interest of you, your spouse or civil partner, or anyone living with you as if they were your spouse or civil partner; or
- Relates to an interest which should be registered in that part of the Register of Interests form relating to ORIs, but you have not yet done so.

Where a matter arises at any meeting of the Council which affects a body or organisation you have named in that part of the Register of Interests Form relating to ORIs, you **must** make a verbal declaration of the existence and nature of the DPI at or before the consideration of the item of business or as soon as the interest becomes apparent. You **may** speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

Disclosure of Other Interests

Where a matter arises at any meeting of the Council which **directly relates** to your financial interest or well-being or a financial interest or well-being of a relative or close associate, you **must** disclose the interest. You **may** speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

Where a matter arises at any meeting of the Council which **affects** your financial interest or well-being, or a financial interest or well-being of a relative or close associate to a greater extent than it affects the financial interest or wellbeing of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you **must** declare the interest. You **may** only speak on the matter if members of the public are able to speak. Otherwise you must not take part in any discussion or voting on the matter and must not remain in the room unless you have been granted a dispensation.

In all cases, where the Monitoring Officer has agreed that the interest in question is a **sensitive** interest, you do not have to disclose the nature of the interest itself.

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MINUTES OF A MEETING OF THE LICENSING COMMITTEE

TUESDAY, 31 MAY 2022

- Councillors Present:** Cllr Gilbert Smyth in the Chair
- Cllr M Can Ozsen, Cllr Susan Fajana-Thomas, Cllr Eluzer Goldberg, Cllr Richard Lufkin, Cllr Sharon Patrick, Cllr Anya Sizer, Cllr Sheila Suso-Runge, Cllr Penny Wrout
- Apologies:** Cllr Sophie Conway, Cllr Midnight Ross and Cllr Zoë Garbett
- Officers in Attendance:** Amanda Nauth – Licensing and Corporate Lawyer
David Tuitt – Business Regulation Team Leader
Natalie Williams – Governance Officer
- Also in Attendance:** Cllr Binnie-Lubbock (substituting for Cllr Garbett)

- 1 **Appointment of the Chair and Vice Chair of the Licensing Committee for the Municipal Year 2022/23**
 - 1.1 **RESOLVED:** That the confirmed appointments of Cllr Smyth to the position of Chair and Cllr Lufkin to the position of Vice Chair of the Licensing Committee, as agreed by Full Council at its Annual Meeting on 25 May 2022 be noted.
- 2 **To Note the Terms of Reference of the Licensing Committee and the Licensing Sub-Committee for the Municipal Year 2022/23**
 - 2.1 **RESOLVED:** That the terms of reference as set out in Part 3, paragraph 3.3.8 and 3.3.9 of the Council's Constitution and set out on pages 3 - 6 within the agenda pack be noted.
- 3 **Apologies for Absence**
 - 3.1 Apologies for absence were received from: Cllr Garbett and Cllr Ross.
 - 3.2 It was noted that Cllr Binnie-Lubbock was in attendance as a substitute for Cllr Garbett.
 - 3.3 It was noted that Cllr Conway had joined the meeting remotely.
 - 3.4 The Governance Officer informed the meeting that any Councillor joining remotely, would not be counted as being 'present' for the purposes of the Local Government Act 1972 and may not vote on any item under consideration. However, at the discretion of the Chair, contributions may be made in a non-decision making capacity.

4 Declarations of Interest

4.1 There were no declarations of interest.

5 Minutes of the Previous Meeting

5.1 The minutes of the previous meeting held on 9 March 2022 were agreed as a true and accurate record of proceedings.

6 Establishment and Composition of the Licensing Sub-Committee for the Municipal Year 2022/2

6.1 **RESOLVED:** That the establishment and membership of five Sub Committees (A-E) as set out in Appendix 1 to the report be approved.

7 Any Other Business which in the Opinion of the Chair is Urgent

7.1 There was no other business for consideration.

Duration of the meeting: 7:00-7:12pm

Cllr Gilbert Smyth, Chair of the Licensing Committee

Contact: Natalie Williams
Governance Officer
Email: governance@hackney.gov.uk



Title of Report	Licensing Service Annual Report 2021/22
For Consideration By	Licensing Committee
Meeting Date	6 September 2022
Classification	Open
Ward(s) Affected	All wards
Group Director	Rickardo Hyatt

1. Summary

1.1 The purpose of this report is to inform the Licensing Committee of the activities and performance of the Service during the year 2021/22 and to show aims and targets for the forthcoming 2022/23 year. This report provides an update on the main operational functions of the Licensing Service in terms of applications, policy and enforcement.

2. Recommendations

2.1 That the Licensing Committee notes the report.

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

3.1 This report requests the Licensing Committee to note the activities and performance of the Service during 2021/22 and the aims and targets for 2022/23.

3.2 The Licensing Service generated an annual income total of £431,096 in 2021/22 of which £166,387 is attributable to the late night levy.

3.3 The Licensing Service will manage its costs within the financial constraints determined by income from externally regulated and locally set fees.

3.4 Licensing income continues to be affected by the Coronavirus pandemic. This will continue to be monitored by regular liaison between the Licensing Service and Finance.

4. Comments of the Director of Legal

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

Appendices

Appendix 1 – Annual Report

Exempt

Not applicable.

Background Papers

None.

Report Author	David Tuitt Business Regulation Team Leader Licensing and Technical Support david.tuitt@hackney.gov.uk Tel: 020 8356 4942
Comments for the Group Director of Finance and Corporate Resources prepared by	Avril Smith Service Accountant avril.smith@hackney.gov.uk Tel: 020 8356 3947
Comments for the Director of Legal, Democratic and Electoral Services prepared by	Amanda Nauth Licensing and Corporate Lawyer amanda.nauth@hackney.gov.uk Tel: 020 8356 6345

Licensing Service

2021/22 Annual Report

Contents

1. Introduction
2. Licensing Act 2003
3. Gambling Act 2005
4. Massage and Special Treatments (MST) Licences
5. Look back / Projects
6. Planned Activity for 2022/23

APPENDIX – SUMMARY TABLES

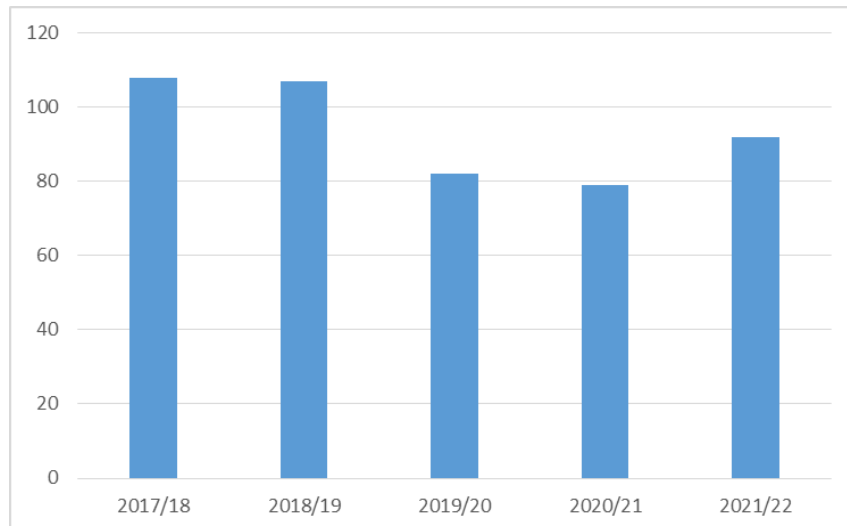
1. Introduction

- 1.1 The purpose of this document is to report on the activities and performance of the Service during the year 2021/22 and to show aims and targets for the forthcoming year.
- 1.2 Responsibility for discharging many of the Council's licensing functions lies with the Licensing Service. The Service is also responsible for the development and review of alcohol and entertainment licensing, gambling and sex establishment policies as well as providing guidance and assistance on the various licensing, registration and permitting processes. The enforcement of licensing legislation is shared with other regulatory partners.
- 1.3 Officers occasionally conduct inspections to premises to ensure compliance with authorisations and advise businesses of their responsibilities. The enforcement/compliance functions also involve investigations into complaints of alleged unauthorised activity. Formal enforcement actions are taken when merited and in accordance with the Council's Enforcement Policy.
- 1.4 Officers also fulfil the responsible authority role on behalf of the Licensing Authority as defined under the Licensing Act 2003 and the Gambling Act 2005. This entails reviewing new and variation applications and considering making representations having regard to the Council's Licensing Policy and Gambling Statement of Principles.

2. Licensing Act 2003

Premises licences granted

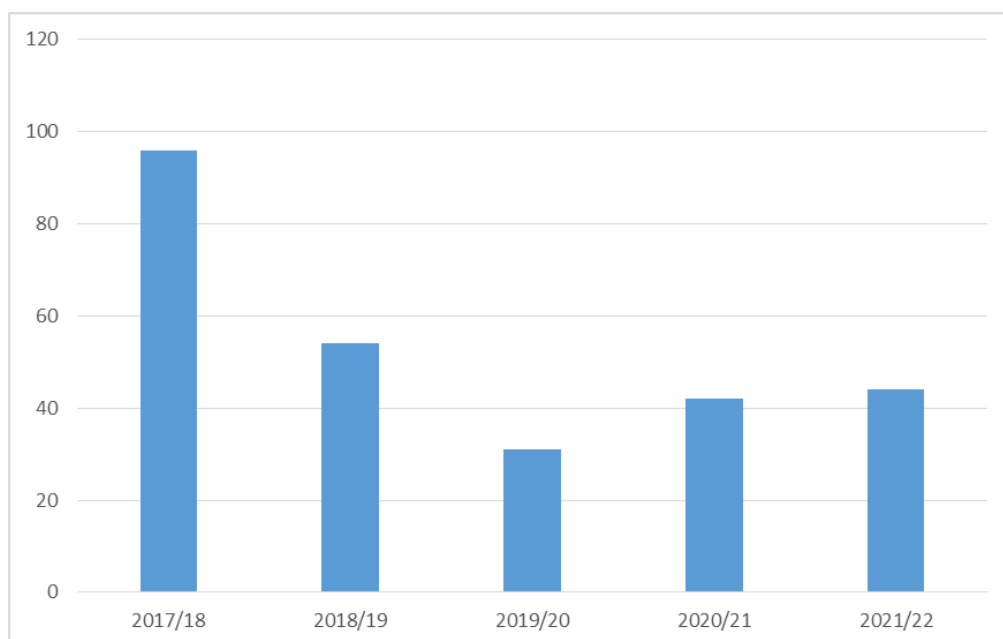
- 2.1 A premises licence authorises a premises to be used for the sale or supply of alcohol, the provision of regulated entertainment, or the provision of late night refreshment, under the Licensing Act 2003.



1. Premises licences issued

- 2.2 Fig. 1 highlights the numbers of new licences granted. The number of new licences granted within the previous year was 92. The figures show that the trend has been fairly stable over the last three years.

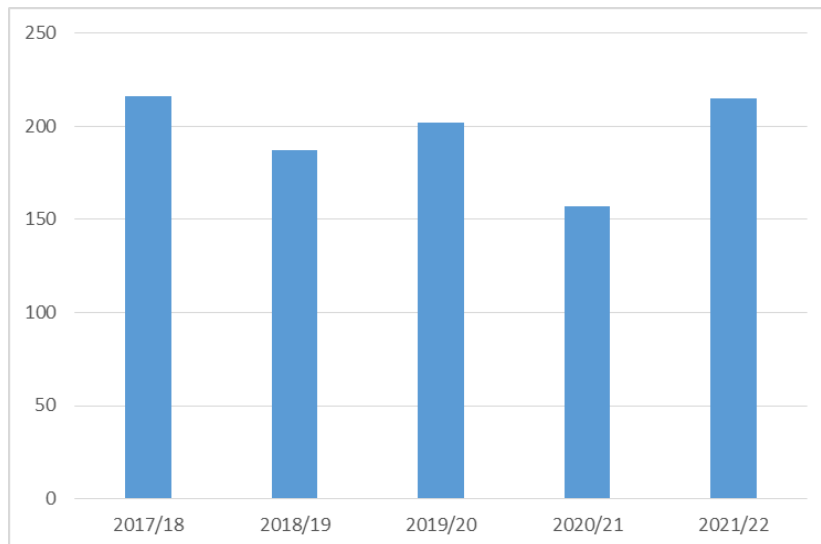
Minor variations



3. Application for minor variation

2.3 The number of minor variation applications was consistent with the previous years. However, the overall trend appears to be increasing very slightly.

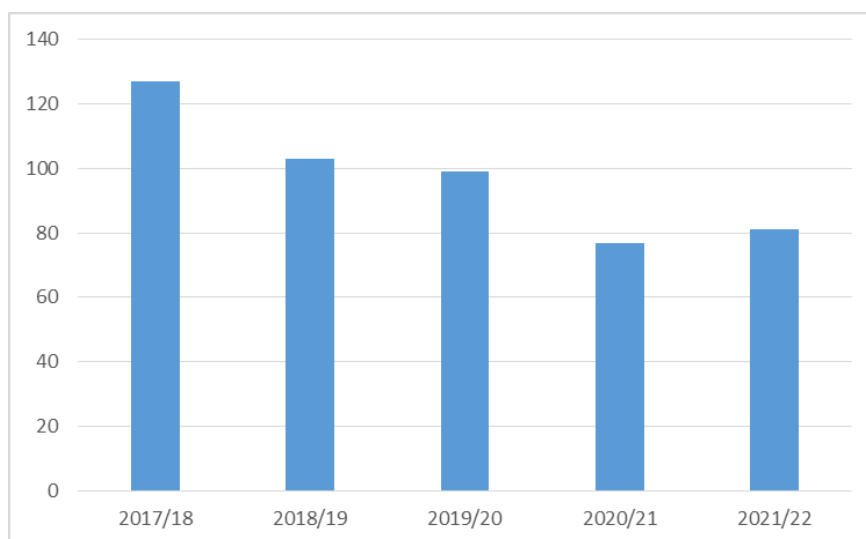
Variations to specify an individual as DPS



4. Applications to vary licence to specify DPS

2.4 Where a premises licence authorises the supply of alcohol, there is a requirement for a personal licence holder to be nominated as the designated premises supervisor. The number received in 2021/22 shows an increase in the trend which is to be expected due to the transient nature of the industry and as the net number of licences increases.

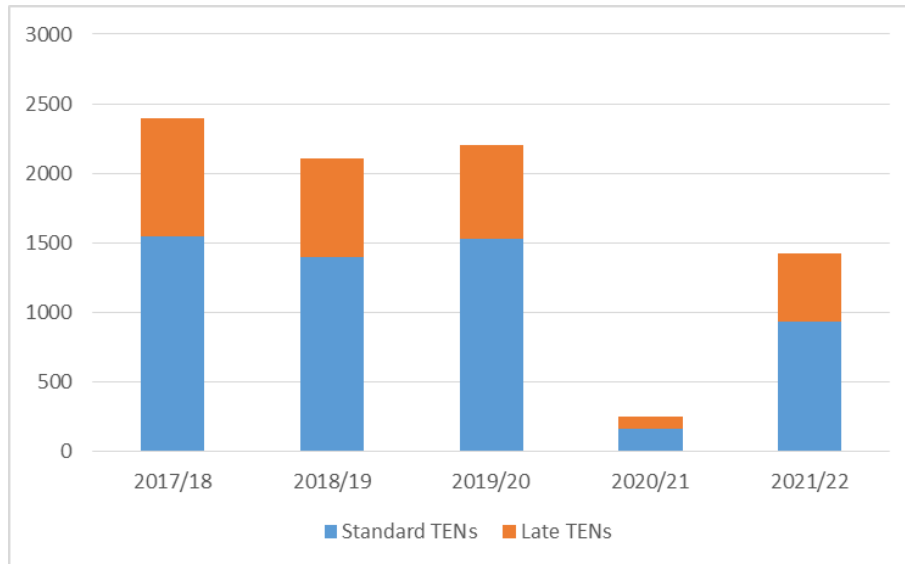
Transfer of premises licences



5. Transfers of premises licences

2.5 The number of licences being transferred between operators remains stable after showing a fairly consistent fall in the number received over the last five years.

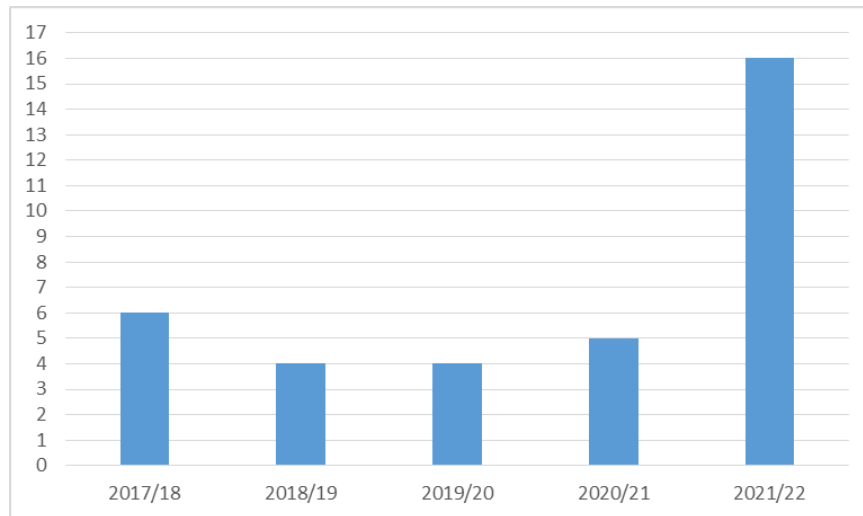
Temporary Event Notices (TENs)



6. Temporary Event Notices

2.6 As expected, the overall number of TENs received increased slightly over the previous year as the nation emerged from the impact of the pandemic and the subsequent increase in activity. However, the Service expects that it will be at least another year before numbers return to pre-pandemic levels.

Reviews of premises licence/club premises certificates

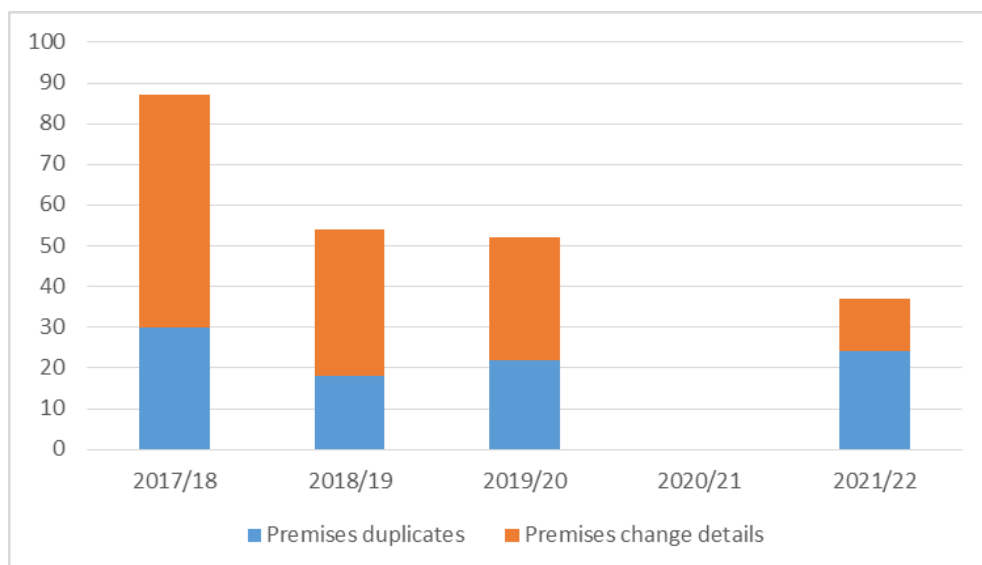


7. Review applications

- 2.7 The Service received 16 review applications in the year, significantly higher than any year in the past 5. A significant proportion of these were due to expedited review applications by the Metropolitan Police.

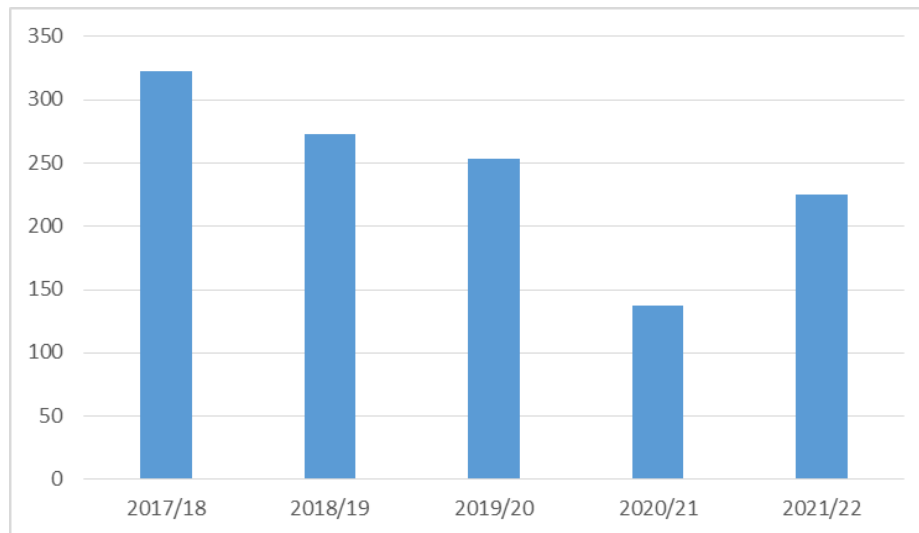
Premises Licences – Requests for Duplicates and Change of Details

- 2.8 The Service has experienced increased demand due to requests for duplicate documents. This is primarily a desktop administrative process involving the reprint of the two-part licence. Around half of the requests are for lost licences with changes to details, which include the licensee changing a registered address, accounting for the rest of the demand. However, it should be noted that the numbers of these received during 2020/21 could not be determined.



8. Change of details & duplicate premises licences

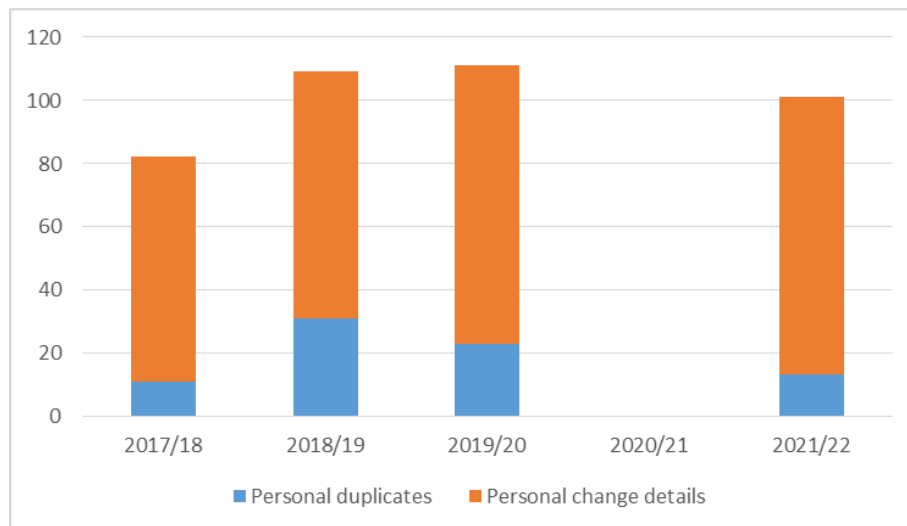
Personal licences



9. Personal licences issued

- 2.9 Significantly more personal licences were granted in the year when compared to the previous year, reversing the downward trend that had been seen over the previous four years. Overall the Council has granted over 5000 personal licences since the commencement of the Licensing Act 2003.

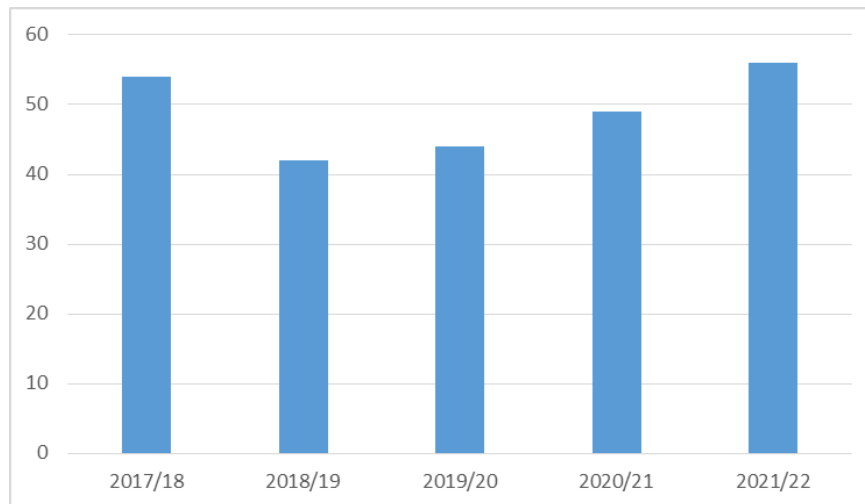
Personal licences – Requests for Duplicates and Change of Details



10. Personal licence duplicates and change of details

- 2.10 Similar to premises licences, the Service receives requests for personal licences to be reprinted following address or name changes or the documents being lost. This is a desktop administrative process with the number received being consistent with the previous year. However, it should be noted that the numbers of these received during 2020/21 could not be determined.

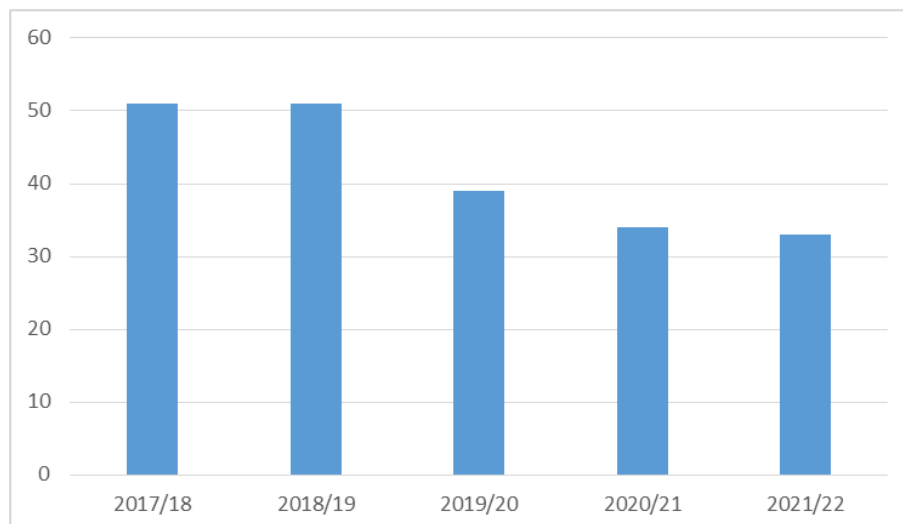
Licensing Sub-Committee hearings



11. Licensing Sub-Committee

- 2.11 The number of Licensing Sub-Committees were up on the previous year, due mainly to the number of review applications under the Licensing Act 2003. The number of hearings exceeded 50 for the first time since 2017/18 which reversed the trend that had been decreasing over the previous four years. A number of the additional hearings were attributable to expedited review applications and temporary event notices where representations had been received .

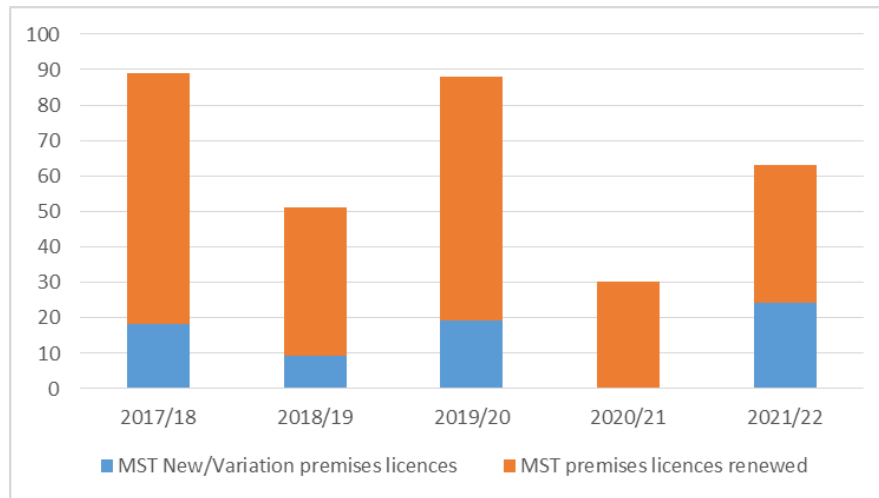
3. Gambling Act 2005



12. Betting (other than track) licences renewed.

- 3.1 The number of betting licences fell by a single premises with the number now standing at 33 locations. This is the lowest number since the Gambling Act 2005 commenced in 2007.

4. Massage and Special Treatments (MST) Licences



16. Massage and Special Treatment licences

- 4.1 The majority of MST premises licences consist of applications to renew existing licences issued in a previous year. Whilst there was a sharp increase in the number of applications in 2019/20, the figures have not yet returned to these levels. This suggests the Service has further work to do on this function.

5. Look back / Projects

The table below sets out the projects planned by the Service last year.

Objectives	What we will do	Status
Digital Transformation	<ul style="list-style-type: none"> ● Implement new database selected by CSEBR ● Automate many processes such as temporary event notices, food business registration, annual reminder letters while greatly reducing the manual administration and data entry carried out by officers. ● Greater use of mapping, integration with payment systems, text messaging, handheld devices 	<ul style="list-style-type: none"> ● Salesforce implementation project is in progress with implementation partner Arcus Global
Inspection regime	<ul style="list-style-type: none"> ● Re-introduce risk-based routine inspections of licensed/unlicensed premises which was put on hold following the Cross-Cutting restructure 	<ul style="list-style-type: none"> ● To be carried forward to 2022/23
Evaluation of the impact of the current Statement of Licensing Policy	<ul style="list-style-type: none"> ● Assess the impact of the Statement of Licensing Policy since it came into effect on 1 August 2018 ● Sample decisions and levels of applications compared to previous period. 	<ul style="list-style-type: none"> ● Superseded by requirement to revise, consult on and publish Policy in 2023
Fees Review	<ul style="list-style-type: none"> ● Review fee levels of those activities where the fee can be set locally 	<ul style="list-style-type: none"> ● To be carried forward to 2022/23

6. Planned Activity for 2022/23

Objectives	What we will do	Purpose
Cumulative Impact Assessment and review of the Statement of Licensing Policy	<ul style="list-style-type: none"> Assess the impact of the Statement of Licensing Policy since it came into effect on 1 August 2018 Sample decisions and levels of applications compared to previous period Collate data on impact of the licensed economy on the promotion of the licensing objectives 	<ul style="list-style-type: none"> To fulfil Manifesto commitment To ensure Policy Statement and updated Cumulative Impact Assessment in place in 2023.
Salesforce Implementation	<ul style="list-style-type: none"> Continue to implement Salesforce database working with implementation partner Arcus Global Automate many processes such as temporary event notices, food business registration, annual reminder letters while greatly reducing the manual administration and data entry carried out by officers. Greater use of mapping, integration with payment systems, text messaging, handheld devices 	<ul style="list-style-type: none"> To provide a step change in how the service carries out its operations To make significant efficiency savings To promote customer channel shift, moving from paper based to digital To enable more cloud based working, automation To further support intelligence led decision making
Inspection regime	<ul style="list-style-type: none"> Re-introduce risk-based routine inspections of licensed/unlicensed premises which was put on hold following the Cross-Cutting restructure 	<ul style="list-style-type: none"> To ensure appropriate promotion of all licensing aims and objectives across all forms of legislation. To enable the Service to promote a more proactive rather than reactive approach to licensing.
Fees Review	<ul style="list-style-type: none"> Review fee levels of those activities where the fee can be set locally 	<ul style="list-style-type: none"> To align with good practice and as recommended by the Local Government Association Ensure fees reflect macroeconomic and inflationary pressures

Much of progress on the above work is likely to be affected by the ongoing impact of the coronavirus pandemic along with the challenges with ICT systems.

APPENDIX

Licensing Service – Summary table

Activity	17/18	18/19	19/20	20/21	21/22
Number of valid premises licences under Licensing Act 2003 as of 31 March (annual fees paid within the year)	N/A	1165	1149	N/A	1531
New premises licences granted	108	107	82	79	92
Variation of existing premises licence granted	47	35	41	31	N/A
Minor variation premises licences issued	96	54	31	42	44
Transfers of premises licences processed	127	103	99	77	81
Variations of licence to specify individual as DPS processed	216	187	202	157	215
Standard TENS	1547	1398	1530	158	928
Late TENS	844	709	675	95	499
Reviews of premises licences	6	4	4	5	16
Premises licences – Duplicates following theft/loss	30	18	22	N/A	16
Premises licences – Changes of details	57	36	30	N/A	24
New personal licences issued	323	273	253	137	225
Personal licence – duplicates following theft/loss	11	31	22	N/A	13
Personal licence – change of details	71	78	30	N/A	88
Premises licences revoked	5	2	1	1	9
Premises licences surrendered	36	26	17	N/A	9
Licensing Sub-committee hearings	54	42	44	49	56
Appeals completed	6	6	3	0	6
Sex Establishment premises licences renewed	4	4	4	3	2
Betting shop premises licences renewed	51	51	39	34	33

Bingo premises licences	0	0	0	2	2
Adult Gaming Centres	2	2	2	3	3
Gambling premises licences issued	0	0	1	2	0
Lotteries registered	4	5	18	14	8
Notification of gaming permits issued	8	8	1	14	2
MST New/variation premises licences	18	9	19	N/A	24
MST Premises licences renewed	71	42	69	N/A	39
Transfer of MST premises licences	0	1	2	2	2
MST Practitioner registration	77	87	200	53	155
MST Exempt Practitioner registration	N/A	N/A	17	N/A	27
Explosives registration	7	8	8	N/A	9

Review applications

2021/22	Postcode	Applicant	Type	Determined	Outcome
1	E8 2NS	Metropolitan Police	Expedited Review	08/06/2021	Licence revoked
2	E8 4PH	Licensing Authority	Review	22/03/2022	Licence revoked
3	E2 8ET	Licensing Authority	Review	09/12/2021	Licence revoked
4	E8 4AH	Metropolitan Police	Expedited Review	11/11/2021	Conditions modified
5	E8 3RH	Metropolitan Police	Review	11/11/2021	Licence revoked
6	E8 3RH	Metropolitan Police	Review	11/11/2021	Licence revoked
7	E8 3RH	Metropolitan Police	Review	11/11/2021	Licence revoked
8	E8 3RH	Metropolitan Police	Expedited Review	11/11/2021	Licence revoked
9	E8 3RH	Metropolitan Police	Expedited Review	11/11/2021	Licence revoked
10	E8 3RH	Metropolitan Police	Expedited Review	11/11/2021	Licence revoked
11	N16 7XJ	Metropolitan Police	Review	16/12/2021	Licence revoked

12	EC2A 3AY	Metropolitan Police	Review	14/12/2021	Licence revoked
13	N16 8BH	Metropolitan Police	Expedited Review	16/12/2021	Conditions modified
14	E5 8PA	Environmental Protection	Review	01/03/2022	Conditions modified, exemption removed
15	E8 4AA	Metropolitan Police	Expedited Review	18/01/2022	Conditions modified
16	EC1V 9LE	Metropolitan Police	Review	03/03/2022	Licence revoked
17	EC1V 9LE	Metropolitan Police	Review	N/A	Licence surrendered
18	EC2A 2BS	Metropolitan Police	Expedited Review	N/A	Licence surrendered
19	E2 7NX	Metropolitan Police	Expedited Review	12/04/2021 2	No action taken

2020/21	Postcode	Applicant	Type	Determined	Outcome
1	E8	Environmental Protection	Review	04/04/2019	Licence revoked
2	EC1V	Metropolitan Police	Review	27/06/2019	Conditions modified
3	N1	Licensing Authority	Review	03/09/2019	Conditions modified
4	E2	Metropolitan Police	Review	05/02/2020	Conditions modified

2019/20	Postcode	Applicant	Type	Determined	Outcome
1	E8	Environmental Protection	Review	04/04/2019	Licence revoked
2	EC1V	Metropolitan Police	Review	27/06/2019	Conditions modified
3	N1	Licensing Authority	Review	03/09/2019	Conditions modified
4	E2	Metropolitan Police	Review	05/02/2020	Conditions modified

2018/19	Postcode	Applicant	Type	Determined	Outcome
1	E8	Trading Standards	Review	07/08/2018	Licence suspended, conditions modified
2	N1	Licensing Authority	Review	13/09/2018	Licence revoked
3	E8	Metropolitan Police	Review	30/01/2019	Licence revoked
4	E2	Metropolitan Police	Review	05/02/2019	Licence suspended

2017/18	Postcode	Applicant	Type	Determined	Outcome
1	EC2A	Metropolitan Police	Review	01/02/2018	Licence revoked
2	EC2A	Licensing Authority	Review	22/02/2018	Licence revoked
3	E8	Environmental Enforcement	Review	18/07/2017	Conditions modified
4	N1	Trading Standards	Review	05/12/2017	Licence revoked
5	E8	Metropolitan Police	Review	12/12/2017	Licence revoked
6	E9	Review triggered following a Closure Order under the Anti-Social Behaviour, Crime and Policing Act 2014	Review	11/05/2017	Licence revoked



Title of Report	Late Night Levy - Year 5 Quarter 2 and 3 Update
For Consideration By	Licensing Committee
Meeting Date	6 September 2022
Classification	Open
Ward(s) Affected	All wards
Group Director	Rickardo Hyatt

1. Summary

- 1.1 This report has been prepared to provide the Licensing Committee with an update on the Late Night Levy (“the Levy”) activities during the second and third quarters of Year 5 (1 Feb 2022 to 31 July 2022).
- 1.2 The late night levy (“the levy”) is a discretionary power, conferred on licensing authorities by provision in Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”). This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority’s area, as a means of raising a contribution towards the costs of policing the late-night economy.
- 1.3 The Council consulted on the introduction of the Levy between February and May 2017. 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.

2. Recommendations

- 2.1 That the Licensing Committee notes the report.

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

- 3.1 This report has been prepared to provide the Licensing Committee with an update on the Late Night Levy (“the Levy”) and the most recent board meetings (where available). There are no financial considerations at this time.

4. Comments of the Director of Legal, Democratic and Electoral Services

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

Appendices

Appendix 1 – Year 5, Q2 and Q3 update

Appendix 2 - 16022022 Late Night Levy Board - Minutes

Appendix 3 - 26042022 Late Night Levy Board - Minutes

Appendix 4 - 20072022 Late Night Levy Board - Minutes

Exempt

Not applicable.

Background Papers

None

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Comments for the Director of Legal, Democratic and Electoral Services prepared by	Amanda Nauth Licensing and Corporate Lawyer amanda.nauth@hackney.gov.uk Tel: 020 8356 6345

Late Night Levy - Year 5 Q2 to Q3 Update

1. Year 5 YTD Income

- 1.1 The Licensing Service has started to resume normal collections and we are seeing an increase in revenue when compared to year 4.
- 1.2 Total receipts in Year 5 to date amounted to £251,716.
- 1.3 There is a balance carried over from previous years of £146,232.
- 1.4 There are amounts outstanding to be collected from previous years of approximately £490K.

2. Year 5 YTD Expenditure

- 2.1 The table below analyses YTD expenditure.

Late Night Levy Year 5 Q1-3 (1st October 2021 to July 31st, 2022)	
Late Night Levy Receipts - October 2021 to July 2022	£251,716.00
Balance carried over from Year 4	£146,232.00
<i>Please note there is uncollected funds from previous years Approx £350K from Year 4 and £141K from Year 3</i>	
Expenditure	
Admin (1 Year)*	£20,000.00
Enforcement (1 Year of Late Night Overtime)*	£65,000.00
LNL Manager (1 Year Salary including costs)*	£63,745.00
Medics April to July 2022 (4 months)	£14,446.00
MET Police - Provision of overtime between July 2021-Oct 2022	£51,616.82
MET Police - Provision of overtime between November to December 2021	£17,656.07
MET Police - Provision of overtime Jan-Mar 22	£30,220.73
MET Police - Provision of overtime April 2022	£44,884.54
MMV - 2nd & 3rd June Jubilee Weekend	£1,100.00
Print and Design (Posters, campaign materials, accreditation scheme)	£1,965.00
Recruitment Costs March 2022	£1,720.00
Redeployable Camera Deployment Costs April 2022	£1,347.00
Redeployable Camera Deployment Costs February 2022	£247.00

Redeployable Camera Data Package Renewal 3 Years	£6,038.00
Training Costs Dec 2021	£204.00
Total Expenditure YTD	£320,190.16
Balance remaining	£77,757.84
*These transactions are recorded at the end of the financial year and deducted for the previous annual period	

3.0 Manifesto Commitments

Manifesto commitments were set in May after the election period. The Hackney Nights team will work with licensed premises to ensure that night time spaces are well managed, informed and inclusive and that they contribute to the long term success of our town centres and neighbourhoods for our residents, businesses and visitors to the borough.

4.0 Crime prevention and engagement

4.1 Prevention is a big part of the work delivered, increasing public awareness and also working directly with licensed premises to ensure their staff are well informed of the issues and well trained.

4.2 We have delivered a steady program of regular training via the online Hackney Nights portal and in person. These are free to all licensed premises in Hackney.

- WAVE (Welfare and Vulnerability) sessions are conducted monthly in person and in partnership with Tower Hamlets. These sessions cover alcohol, general safety, Ask Angela, vulnerability, drink spiking, sexual harassment and misogyny.
- Drinkaware bar staff vulnerability training. This course covers the same topics as the WAVE but is available online and bar staff can complete using their own devices.
- Good Night Out Gender Based Violence Workshop is a more in depth session and is available bi-monthly. It covers sexual harassment, assault, vulnerability, and misogyny, giving venues the tools to create policies that will aim to stamp out unwanted behaviors.
- LGBTQI+ Venue Safety Workshops
- Bespoke venue training in multiple areas delivered on site by the LNL Manager, available for free to any venue.

- Domestic Violence online training
 - ACT Strategic Counter Terrorism in person sessions for management
 - ACT Counter Terrorism online training for frontline staff
 - Licensing training
- 4.3 We have regularly engaged with licensed premises via meetings, forums, site visits and pubwatches to ensure they have access to all the important information that is easily accessible via the Hackney Nights online portal.
- 4.4 The LNL support officer started in mid July and has started to regularly engage with premises, focusing on boosting enrollment to our online portal and boosting our reach to licensees across the borough.
- 4.5 On Tuesday the 19th of July, businesses gathered at the Town Hall for “An Evening for Night Time Economy” The event marked the launch of the Hackney Nights accreditation scheme to businesses as well as open discussion around a variety of topics of interest to the industry. There were representatives present from various services within the council, Community Safety, LGBTQI+, Hate Crime, Licensing, Environmental Health, Environmental Protection, CCTV, as well as the Hackney Nights team with information and guidance regarding safety and crime prevention in areas such as drink spiking, gender based violence, and more. The businesses heard talks from Chief Inspector Lucky Singh from the Met Police and Cllr Fajana-Thomas, Hackney Council’s Cabinet Member for Community Safety as well as Samantha Mathys, Late Night Levy Manager. Certificates were given to the first 5 licensed premises to receive their application.
- 4.6 We have launched the accreditation scheme on the Hackney Nights portal and we are currently accepting applications from premises. We had initially received 27 applications and of those, 5 premises have had their applications successfully approved: Oslo, Blondies, Mascara Bar, Village Underground and EarTH. The Venue Accreditation scheme will be launched to the wider public over the month of September and we continue to evaluate applications that come in. The scheme set a standard for our vision of what a good Hackney venue should have in place with the aims of becoming safer, better managed and inclusive to all and in line with Hackney values. Accredited venues will benefit from a 30% reduction on the late night levy.
- 4.7 We are in the process of creating an interactive Hackney Nights Map that will point out the location of all these accredited venues and we are in the process of planning a big public awareness piece, pushing these venues and explaining what accreditation entails in September. Accredited venues must:
- Be inclusive. They must have a zero tolerance to hate and discrimination.

- Be safe - They must be safe spaces and operate with robust crime prevention policies and also sign up to the Mayor of London's safety charter.
- Be involved - Play a part in their local communities
- Be sustainable - They must reduce waste and adopt other sustainable policies.
- Be respectful - Manage noise and nuisance to neighbours properly
- Be healthy - Prioritise health and wellbeing of staff and customers
- Be educated - Staff must regularly take part in all training programs and workshops

5.0 Enforcement and Welfare - February 2022 to July 2022 (Q2 and Q3)

- 5.1 Police overtime agreement continued into Q2 and Q3, funding 1 Inspector, 4 Sergeants and 24 Police constables across the borough in night time economy areas. They have been contracted on Fridays and Saturdays until 6am. The main change to the policing plan is that we have now developed a model where local Police officers who have good knowledge of Hackney are now working the night time economy as opposed to officers from all over the South East of England. We also have the addition of a Shoreditch town centre team who focus on problem solving and long term solutions towards issues in the night time economy which are not funded by the Late Night Levy. This has enabled savings across our enforcement budgets. The Hackney Nights policing plan is focused around reducing vulnerability, violence especially against women and girls, thefts and robbery, substance misuse and nitrous oxide.
- 5.2 In April 2022, we introduced a medical team to Shoreditch as a pilot program for 3 months. This includes provision of two highly trained medical staff to provide medical assistance, spot vulnerability as well as help with issues such as drink spiking or sexual offences. They are connected to CCTV, Police, Enforcement officers as well as all the businesses via various radio channels. In the 3 month pilot period, they have helped over 100 victims or individuals, some of which had life threatening injuries. They also free up resources, allowing Police and Enforcement officers to relay duty of care of an individual, allowing officers to respond to other incidents and reducing pressure on the London Ambulance Service. The review of the pilot was presented at the last Late Night Levy Board and agreed that the medical assistance shall continue for the next 3 months and be reevaluated once again at the next Late Night Levy board meeting in October. The expenditure of the medics program has been absorbed into the Police allocation to utilise the current Police underspend.

5.3 We have continued to deploy CCTV cameras to night time economy areas with little or no coverage. We currently still own 4 redeployable cameras for which we have just renewed the data packages to cover the next three years.

5.4 We have continued to fund 4 Enforcement officers to patrol night time economy areas to deal with things such as public urination, littering and antisocial behaviour mostly in the Shoreditch area. We also have funded a dedicated enforcement officer for Dalston.

6.0 Communication and information sharing with all stakeholders

6.1 We have continued to use the Hackney Nights portal as our main communication tool with licensees. Live demonstration to follow.

6.2 We provide meaningful updates about Hackney Nights in all partnership and member meetings (Licensing Committee, NTE Subgroup, LOEG, Partnership Tasking, Licensing Monthly Update meetings, VAWG strategic board).

6.3 As part of our manifesto commitments, we have developed a plan to increase communications and safety messaging to start in the fall.

6.4 Our first quarterly Hackney Nights Newsletter has been developed and will go out quarterly to all portal users, partners, Cllrs and other stakeholders.

7. Conclusions

7.1 We have a robust plan in place for the upcoming year with a focus on prevention, education, enforcement, welfare and improving publicity and ramping up our communications strategy in line with 2022 manifesto commitments.

7.2 The accreditation scheme, which is one of a kind across the country, will be our main focus in the fall months.

7.3 We are in a stable position financially but need to ensure we collect all outstanding fees from previous years.

7.4 Notwithstanding the above, the Licensing Service will continue to prepare and present quarterly updates to the Licensing Committee which, as well as the Board, will maintain oversight of the Levy moving forward.

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Minutes of the Late Night Levy Board Meeting

16th of February 2022

Google Hangouts

Attendance

Cllr Plouviez	Chair of the Licensing Committee	EP
David Tuitt	Licensing Team Leader	DT
Robert Gardner	Enforcement and Business Regulation	RG
Samantha Mathys	Late Night Levy Manager	SM
Adam Popple	Hackney Central Pubwatch	APe
William Knowles-Mofford	Shoreditch Pubwatch	WKM
Dan Beaumont	Dalston Pubwatch	DB
James Scott	Economic Regeneration	JS
Maggie Ryan	Stoke Newington Pubwatch	MRy
Maurice Mason	Community Safety	MM
Cllr Fajana-Thomas	Cabinet Member for Community Safety, Policy and the Voluntary Sector	SFT

		Actions
1.	Chairs introduction, round table introductions and apologies	Noted
2.	Minutes of the last meeting and matters arising The minutes from the previous meeting were accepted as a true record.	Noted
3.	LNL Update and Hackney Nights Accreditation Scheme SM presented the late night levy update for February 2022. She presented a finance update as well as new Hackney Nights initiatives. SFT also asked to provide more information on where the venues that are taking part in the accreditation pilot scheme are located. SM answered that there is a very fair representation across the borough with venues from all NTE areas.	Noted Noted Noted
4	Police Update Police presented the February 2022 update WKM raised the concerns from local off licences about members of the public loitering outside the local shop, drinking and hanging around.	Noted

	<p>SFT Raised the concerns that were brought up at the Shoreditch panel which were, members of the public just hanging out on the street after closing time, although this has been made better recently with the closure of Cargo, and secondly, the issue of drink spiking which caused concern to some members of the public for which we would try to campaign around.</p> <p>SM added that we will include the issue of drink spiking in our Spring messaging campaign pack.</p> <p>LM added that we can possibly also use the MMV for messaging. He also asked if the Police could use the waste vehicle screens as well for messaging</p> <p>WKM will try and boost engagement with them but he just wanted to raise the concerns today based on a conversation with his local shop.</p> <p>LM described the process with the CPNs and CPWs which aims to share intelligence with partners around individuals causing ASB and to ban them from the area.</p> <p>AD will look at getting data to feedback. Generally, someone outside the area who is from a different part of the country - section 35. Use CPW for offenders that are more local, and expel them for longer periods of time.</p>	<p>Action - SM</p> <p>Action - GM and MM</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>
<p>5.</p>	<p>Pubwatch Representatives options and observations</p> <p>Hackney Central AP reported that his last pubwatch was really good and he had the best engagement that he's had in years. There were lots of interest towards the radio scheme and the accreditation. He is also sitting on the Hackney Central project so that was discussed at length but no other concerns to report.</p> <p>Dalston DB reported that there have been some changes in Dalston with new operators opening. Trade is quiet but footfall is increasing slowly. Briefing in Hoxton Square is great and has asked for briefings to be developed for Dalston. Dispersal policy still needs looking at for Dalston, and he asked if that could be included in Hackney Nights. bHe also asked for more presence for Enforcement officers. He also added that with the off licences, he asked whether he could have representation at the panel. He will try and see if he can provide that representation. There are also a lot of concerns from licensees around Drink Spiking.</p>	<p>Noted</p> <p>Noted</p>

	<p>Stoke Newington MR also had the biggest pubwatch, licensees are mostly looking forward to the new accreditation scheme as well as the Jubilee. Main concern to raise would be the tables and chairs issue and she inquired about where all the money paid for these licences go.</p> <p>Shoreditch WKM had left the meeting with some technical issues.</p>	<p>Noted</p> <p>Noted</p>
<p>6.</p>	<p>Any other business</p> <p>SM raised the action from the last meeting around CCTV operators not responding and wanted to update the panel that our civil protection team has done some tests as well as brief officers and the issue should be resolved.</p>	<p>Noted</p>
	<p>Date of next meeting</p> <p>12th of February 2022. (Delayed by two weeks)</p>	<p>Noted</p>

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Minutes of the Late Night Levy Board Meeting

26th of April 2022

Google Hangouts

Attendance

Cllr Plouviez	Chair of the Licensing Committee	EP
David Tuitt	Licensing Team Leader	DT
Gerry McCarthy	Community Safety, Business Regulation and Enforcement	GM
Samantha Mathys	Late Night Levy Manager	SM
Adam Popple	Hackney Central Pubwatch	APe
William Knowles-Mofford	Shoreditch Pubwatch	WKM
Kerry Maisey	Dalston Pubwatch	DB
James Scott	Economic Regeneration	JS
Maggie Ryan	Stoke Newington Pubwatch	MRy
Maurice Mason	Community Safety	MM
Cllr Fajana-Thomas	Cabinet Member for Community Safety, Policy and the Voluntary Sector	SFT
Leon McCallister	MPS	LM
Lucky Singh	MPS	LS

		Actions
1.	Chairs introduction, round table introductions and apologies	Noted
2.	Minutes of the last meeting and matters arising The minutes from the previous meeting were accepted as a true record.	Noted
3.	LNL Update and Hackney Nights Accreditation Scheme SM presented the late night levy update for April 2022. She presented a finance update as well as new Hackney Nights initiatives.	Noted
4	Police Update Police presented the April 2022 update WKM had a query regarding the revocation of off licences. WKM also asked about the enforcement action taken against venues and asked Police to expand on these and whether this was a new policy. MM explained that we only use enforcement as a last resort, identifying Crime and disorder then trends then work with licensees to prevent the	Noted Noted

	<p>disorder (training, visits, action plans). Only repetitive incidents lead to these. Only a small number get enforcement action against them.</p> <p>WKM has a worry about the way we are looking at TENS, appears as though the Police is targeting venues. The TENS were the next point he raised and asked why we are refusing TENS.</p> <p>LS stated that TENS are reviewing each on their own merits. Overall violence has been reduced in the NTE therefore we should see the number of rejections decrease.</p> <p>SFT added that most TENS are approved, support to Off Licences, she asked WKM to offer up what information he would like in these meetings moving forward.</p> <p>SM to review the format of this meeting moving forward.</p> <p>This issue of phone thefts was raised by multiple individuals and inquired about the overarching plan of the MET to tackle this issue</p> <p>LS replied that there is a robbery task force in place, and plain clothes operations. He added that this has been a problem across London, They will continue the Look up Look out campaign, Op nightingale, op avert and ensure officers are patrolling key areas.</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Action</p> <p>Noted</p> <p>Noted</p>
<p>5.</p>	<p>Pubwatch Representatives options and observations</p> <p>Shoreditch WKM asked the group how we can better help the off licences within the Shoreditch footprint as they often do not have security yet deal with many of the same ASB as the venues outside their doors.</p> <p>Hackney Central AP reported that mostly the area is business as usual. The only issue he has seen is in regards to the traveller community invading some of the premises in the area.</p> <p>SM to relay with AP to discuss these issues further</p> <p>Stoke Newington Church Street very quiet trade down because of LTNs.</p> <p>Dalston KM reported that they would like to see more of the enforcement officers at kick out time. There have also been issues with SIA as it is very</p>	<p>Noted</p> <p>Noted</p> <p>Action</p> <p>Noted</p> <p>Noted</p>

	<p>difficult to find consistent resources. They would like to see a dispersal policy for Dalston.</p> <p>SM to look into dispersal policy</p>	Action
6.	Any other business	
	<p>Date of next meeting</p> <p>July 20th at 1pm</p>	Noted

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Minutes of the Late Night Levy Board Meeting 20th of July 2022 Google Hangouts

Attendance

Cllr Smyth	Chair of the Licensing Committee	GS
Gerry McCarthy	Community Safety, Business Regulation and Enforcement	GM
Samantha Mathys	Late Night Levy Manager	SM
Miguel Campbell-Lewis	LNL Support Officer	MCL
William Knowles-Mofford	Shoreditch Pubwatch	WKM
Chris O'Connor	Enforcement Team Leader	CO
Maggie Ryan	Stoke Newington Pubwatch	MRy
Kerry Maisey	Dalston Pubwatch	KM
Cllr Fajana-Thomas	Cabinet Member for Community Safety, Policy and the Voluntary Sector	SFT
Leon McCallister	MPS	LM
Lucky Singh	MPS	LS
Andy Durrant	MPS	AD

	Actions	
1.	Chairs introduction, round table introductions and apologies	Noted
2.	Minutes of the last meeting and matters arising The minutes from the previous meeting were accepted as a true record. Only matter to hand was to correct the attendee list Kerri instead of Dan, which was corrected.	Noted
3.	Overview of night time economy and community safety partnership Community Safety Partnership update was presented by KL. Special Operations and Enforcement Updates were presented by MPS and SM. SM explained the only thing not mentioned previously is the design out crime assessment, where officers go around to think what needs to be done, potentially making the curb bigger, looking at actual physical solutions to design out crime.	Noted Noted Noted

	Examples of good working from premises, Police return, medics Pilot review April to June was presented by MPS and SM.	Noted
	GS asked if the medics team is available to licensees without radios and how they would get in touch.	Noted
	SM confirmed that they would just need to dial in the control room instead.	Noted
	MRy questioned the quantity of medics available and whether we could get more.	Noted
	SM explained that we would not be able to afford more than two.	Noted
	LS pointed out this is really positive and great for our night time economy but will the cost be coming out of the police budget or can it be funded another way. What would we do to carry that sustainability forward?	Noted
	Finances will be reviewed at another agenda point.	Noted
	SM presented the Hackney Nights Stats overview.	Action - SM to amend format accordingly.
	SFT approved of the new way of presentation but each point has passed too long for people to ask questions in regards to things like the first point, can we look at that moving forward. She also added that special reviews, such as the medics, should be a separate point on the agenda.	KL to continue to provide updates.
	SFT would like going forward with the same presentation KL has given in regards to stats for every quarterly levy meeting going forward.	
	WKM pointed out there were issues with TENS prior and that level of report is good to see.	Noted
	SFT asked about the taser incidents and Op Tangerine.	
	The board discussed Operation "tangerine" and MPS explained the process of swabbing of a hard surface/surfaces for class A drugs to enable us to target operations in the right place.	Noted
4.	SM presented the Hackney Nights Commitments for the upcoming year.	Noted

<p>5.</p>	<p>SM presented the financial overview and expenditure for quarter 2.</p> <p>SM presented the cost analysis of the medics to the board. She explained that 70% of the revenue from the late night levy must go to the Police but that because the Police are underspending, we can absorb the cost of the medics within the amount reserved for Police.</p> <p>SFT questioned whether the police can absorb the expense for the medics throughout the year.</p> <p>KM and MR raised that their areas would like a medic team as well.</p> <p>The board agreed to fund the medics for another 3 months and reevaluate then.</p>	<p>SM to expand the medics to include other areas.</p>
<p>6.</p>	<p>Any other business</p>	
	<p>Date of next meeting</p> <p>Wednesday the 19th of October 1pm to 2:30pm</p>	<p>Noted</p>

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Title of Report	Late Night Levy Governance Structure and Terms of Reference
For Consideration By	Licensing Committee
Meeting Date	6 September 2022
Classification	Open
Ward(s) Affected	All wards
Group Director	Rickardo Hyatt

1. Summary

- 1.1 This report has been prepared to provide the Licensing Committee with an update to the Late Night Levy governance structure and the Terms of Reference approved by the Licensing Committee on 8 February 2018.

2. Recommendations

- 2.1 That the Licensing Committee notes and updates the Late Night Levy governance structure and the Terms of Reference.

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

- 3.1 This report has been prepared to provide the Licensing Committee with an update on the Late Night Levy governance structure and the Terms of Reference. There are no financial considerations at this time.

4. Comments of the Director of Legal

- 4.1 The Late Night Levy Board (“the Board”) has been established to advise and oversee how the levy monies are to be spent. This report has been prepared to provide the Licensing Committee with an update to the Late Night Levy governance structure and the Terms of Reference.
- 4.2 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 – Late Night Levy Governance and Terms of Reference

Exempt

Not applicable.

Background Papers

None.

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Appendix 1: To Licensing Committee

London Borough of Hackney

Late Night Levy Governance and Terms of Reference

2022

1 Context

- 1.1 Established under the Police Reform and Social Responsibility Act 2011, 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 an additional annual fee to persons who are licensed to sell alcohol in the local area late at night. The revenue raised is then used as a contribution towards the costs of policing the late night economy.
- 1.2 The levy must be paid annually by each premises licence or club premises certificate holder to the local authority. After deductions for introducing and administering the levy, the rate of the revenue split will be at least 70% to the Mayor of London’s Office for Policing and Crime (MOPAC), with the remainder being retained by the Licensing Authority. However, the legislation does not prohibit the Local Authority and Police coming to a separate agreement relating to the funds raised for the Police and this is what has been achieved in the case of LB Hackney.
- 1.3 The local authority must use its portion of the levy on activities, which must be related to mitigating the impact of the supply of alcohol within the specified hours, namely:
- the reduction or prevention of crime and disorder,
 - the promotion of public safety,
 - the reduction or prevention of public nuisance,
 - the cleaning of any relevant highway or relevant land in its area.
- 1.4 On 4 April 2016 the Licensing Committee considered a report on the powers to introduce the levy. The Licensing Committee recommended that the Council should consult on the introduction of the levy.
- 1.5 On 20 July 2016 the Council resolved to consult on a proposal to introduce the levy following the recommendation of the Licensing Committee. The consultation commenced on 13 February 2017 and concluded on 7 May 2017.
- 1.6 On 21 June 2017 the Licensing Committee considered the outcome of the consultation. Having considered the options and responses, the Licensing Committee made a recommendation for the Council to introduce the levy.
- 1.7 On 26th July the full Council agreed to adopt the levy with the following resolution:
1. *The Council agrees:*
 - (i) *To note and consider the contents of the report and appendices.*
 - (ii) *To introduce the Late Night Levy in Hackney on 1 November 2017*

(iii) That the following will apply to the Late Night Levy:

The late night supply period be from 00:01 to 06:00

That no exemptions categories are to be applied

That no reduction categories are to be applied

The proportion of net levy payments to be paid to the Mayor of London's Office for Policing and Crime (MOPAC) will be 70%.

2. The Council also agrees:

(i) That the Group Director for Neighbourhoods and Housing creates a management board in accordance with paragraph 4.5 of this report and reports back to the Licensing Committee an agreed terms of reference, and

(ii) To delegate to the Director of Legal to carry out and make any necessary constitutional changes that are required to the terms of reference of the Licensing Committee to bring recommendation 2.2(i) above into effect.

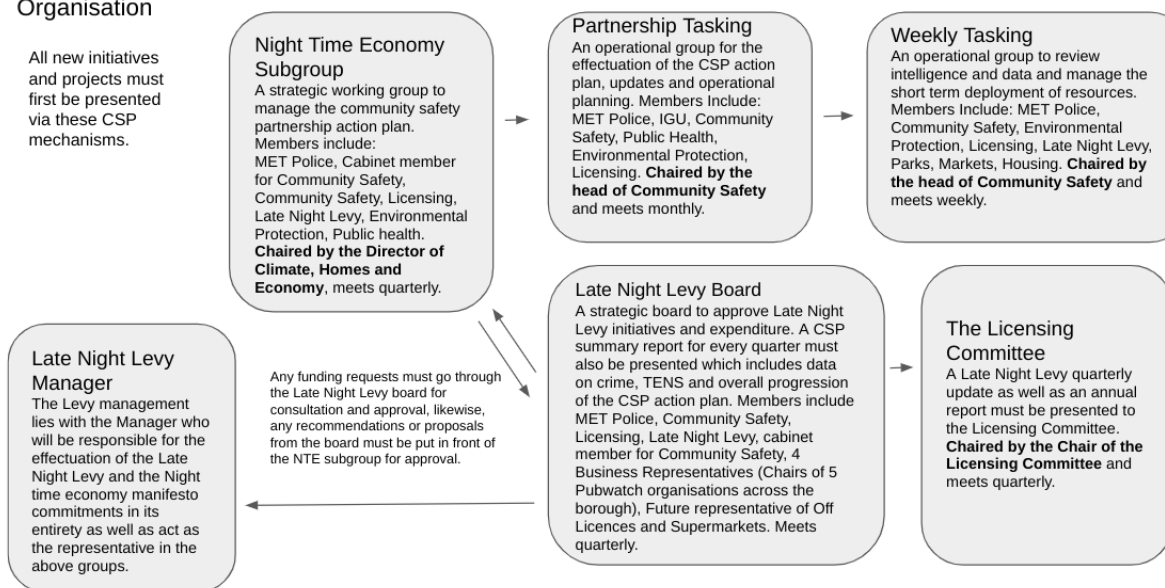
1.8 In October 2020 the Council resolved to consult on a proposal to introduce a reduction of 30% on annual fees for those premises who receive the Hackney Nights accreditation, our in-house best practice scheme.

1.9 Following the decision to introduce the levy and after relevant consultations it was resolved that a local management board will be established which would be responsible for making recommendations and overseeing how the revenue is spent. Critically it was determined that representatives from licensed premises liable to pay the levy would be invited to participate in this arrangement. The resolution was communicated to MOPAC who agreed with this approach. It was also ensured between the Council and MOPAC that all the funds raised in Hackney as a consequence of the Levy would only be disbursed to operations and activity within the Borough.

1.10 The structure adopted is very similar to the arrangements in other authorities that have introduced the levy, such as Newcastle City Council and the London Borough of Islington. The Licensing Committee will oversee the operation of the Board. The administration of the board will be the responsibility of the Late Night Levy Manager within the Licensing service.

2 Current Structure and Governance Model for Late Night Levy Board

Community Safety Partnership (C.S.P.) and Late Night Levy Organisation



- 2.1 The LNL Board provides strategic and operational oversight of the delivery of the services to be funded by the levy. The board also agrees with recommendations and proposals relating to changes and developments of new programmes and initiatives concerning the services funded by the levy. The Board will also have the remit to make reasoned recommendations directly to the Head of Community Safety, Enforcement and Business Regulation to create or disband associated services, as they see fit in relation to changing circumstances regarding how the levy monies are to be spent. With the Boards recommendations, key decisions will then be made within the Council's current constitutional and governance structure without any change being required given that the decision as to how these levy monies are to be spent is ultimately that of the Head of Community Safety, Divisional Director or Group Director, dependent on the related spend level.
- 2.2 The Diagram above represents the relationship of the Board with the current Community Safety partnership. The Late Night Levy Manager will have the authority to approve the provision of services as funded by the levy for expenditure up to £10K. Expenditure above £10K will be approved by the Head of Community Safety, Divisional Director or Group Director, dependent on the related spend level.
- 2.3 As all of the most affected parties are represented on the Board, it will be the body that will advise the Late Night Levy Manager on the best way to organise and deliver those services.

3 Late Night Levy Board Membership and Terms of Reference

3.1 Terms of Reference

- 3.1.1 The Board will provide strategic direction for the commissioning of services relating to the proceeds of the late night levy (LNL).

3.2 Membership

4 x Business Group Representatives (can be more but not less)

1x Community Safety Partnership Manager (who will also chair the Board Meeting, in their absence the LNL Manager or other nominated officer)

Along with supporting officers and other guests from time to time.

1x Head of Community Safety, Enforcement and Business Regulation

1 x Licensing Team Leader

1 x Metropolitan Police Service Chief Inspector (Night Time Economy)

1x Metropolitan Police Service Inspector (Night Time Economy and Licensing)

1 x Cabinet Member Late Night Economy (Community Safety)

1 x Licensing Committee Chair

The basic quorum of the Board will include the Chair and senior representation from the Police and the Licensing Section (3 persons).

3.3 Frequency of Meetings

- 3.3.1 The Board will meet at least once per quarter and will be hosted by the London Borough of Hackney unless otherwise decided. Meetings shall be set at least 6 months in advance. Reports and papers are to be sent out at least two weeks in advance.

3.4 Key Activities, Concerns, how decisions are made & who has the final say on any recommendations to be put forward:

- 3.4.1 It will advise on and make recommendations on the delivery of services funded by the levy to the Head of Community Safety, Enforcement and Business Regulation.
- 3.4.2 Take decisions related to critical activities and services funded by the levy as they impact upon the Night Time Economy (NTE)
- 3.4.3 Gain a broad understanding of the NTE and the various concerns and opportunities of it as they impact upon residents and businesses.
- 3.4.4 To ensure that services commissioned through the levy are working both effectively and efficiently and are confined to only the areas administered by the London Borough of Hackney with particular emphasis to those areas which contribute most through the NTL.
- 3.4.5 To take account of all relevant stakeholder concerns (particularly those businesses who contribute to the levy) and devise long term, medium term and short term strategies that relate to the delivery of commissioned activities and services and to advise the Head of Community Safety, Enforcement and Business Regulation accordingly.
- 3.4.6 To monitor developments and improvements in the NTE.
- 3.4.7 To manage and promote the image and reputation of the levy, locally and/or nationally when appropriate.
- 3.4.8 All Board members will have an input on any recommendations that are discussed and presented to them at the meeting.
- 3.4.9 Firm linkages will be made with the Community Safety Intelligence Hub and any other Police Intelligence sources to ensure that all activities are properly resourced and tasked on an intelligence-led basis.

3.5 Key Documents

- 3.5.1 Status reports prepared by the Late Night Levy Manager with key indicators and trends concerning commissioned activities.
- 3.5.2 Statement of Licensing Policy.
- 3.5.3 Licensing reports, including statistics on TENS, as relevant to NTE activity.
- 3.5.4 Relevant Committee reports (especially Licensing Committee).
- 3.5.5 Circulated presentations and other material used at meetings to inform decisions.
- 3.5.6 Community Safety Partnership Summary updates and plan as it refers to the late night economy.

3.6 Key Outputs

- 3.6.1 Strategic Recommendations to enable operational delivery via commissioned services that assist the Head of Community Safety, Enforcement and Community Safety to make informed decisions as to how the levy monies should be spent.
- 3.6.2 Quarterly updates and annual report to be prepared by the Late Night Levy Manager to be delivered to the Licensing Committee.
- 3.6.3 Provide recommendations for the improvement of commissioned services paid for by the levy.
- 3.6.4 To reassure businesses, residents and other stakeholders that commissioned services are being run sensitively, efficiently and effectively.

3.7 Code of Conduct

- 3.7.1 Members of the LNL Board must:
- 3.7.2 Promote equality by not discriminating unlawfully against any person.
- 3.7.3 Treat others with respect.
- 3.7.4 Not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the Local Authority.

3.8 Main Contact

- 3.8.1 The Late Night Levy Manager - Samantha Mathys

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