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07/03/17	Ms H T V	To whom it may concern. I have just received notice of the possible late night levy service. I would like to make it clear that I think this is a ridiculous levy. Businesses who open until late are already paying for security staff, annual license fees, on top of all the usual costs to run bars. The increase in crime around late night venues probably also correlates to the economy of the area - late night places are SEEN as making money and so a target for theft. My business is barely making enough to survive. We were burgled last week but they only got away with £250 despite causing a lot of damage. The answer however is not to tax individual businesses in this manor. Looking at the table, my annual fee would go from £295 to ££1554 - a huge jumo that we could not afford. I feel like on top of the rates increase, my business will not be able to continue - it is heart braking that all our hard work is for nothing.
12/03/17	Mr M M	Dear Councillors, to put it quite simply NO! This is a tory coalition measure that a Labour council is proposing to use, despite it's use being ineffective and driving more late business to the wall when used in other parts of the country. I see in all your Labour publications and articles how you are up in arms about the proposed business rate rises by this tory government, claiming and I agree with you how it could send businesses to the wall. Yet I feel your concern is purely partisan and hollow because not only is this rates rise going to be introduced you on top of that are going too hit the night time economy with a double whammy of a late night levy as well rather than try and mitigate the rates rise you are allegedly so against. Yours, in consternation Mr M. M
16/03/17	Mr I K	Dear sir/madam I am email you to give you my view on the LNL that is being planned to be introduced.I am a local supermarket in the borough and I do open late hours so I would be Effected by LNL. I believe this charge should not apply to local supermarkets like my self. As we only provide Alcohol for off-licence and people buying the alcohol from us are more people consuming the alcohol at home and do not stay around the business while consuming. therefore we are more different than clubs or bars because people do not get drunk on our sites and go outside causing problem. Furthermore I believe having local shops like us open late night makes the area we are in more safe as we lighten the area and have cctv more important the public know they can be safe in our stores so if they feel threaten they can go into a late night local store for safety. I believe criminals are aware of this and this stops them. I also believe local shops are an eye to the police as let police know of criminal activists and have cctv operating 24hr hours and this can be very useful. I personal experienced this many times in my store and have helped the police with very vital images in the past. So in a time where business is even more tough for local business I believe LNL is an unnecessary cost for us, and the income from LNL is not going to

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		improve the policing in the borough when metropolitan is cutting back soo much from policing. I hope I have given my view in the most appropriate way and thank you for giving us the option of having a say. For your information mine and my business details are as follow.
27/03/17	Mr T A	Dear licencing, I would like to launch my objections to the introduction of the late night Levy 2017. I believe the fee to be excessive particularly for the size of our premises. I also believe the night economy would experience significant decline in the face of a weaker economy and pending Brexit. If such a levy were to be introduced this should be introduced after 2018/19 when businesses can assess the impact of the increase in business rates, and the economic challenges brought about by Brexit woes.
10/04/17	British Beer and Pub Association	The British Beer & Pub Association is the UK's leading organisation representing the brewing and pub sector. Its members account for 96 per cent of the beer brewed in the UK and own almost half of Britain's 50,000 pubs. The UK pub sector contributes over £19 billion to the economy and supports in the region of 900,000 jobs. Over 80% of pubs (i.e. nearly 40,000 outlets) are small businesses which are independently managed or run by self-employed licensees. With BBPA membership covering almost half of the pubs in the UK, we possess a wealth of experience in licensing and welcome the opportunity to respond to this consultation. The BBPA has produced a report1 on Late Night Levies (LNL) that details its flaws and offers alternatives of greater viability. We would also highlight the recently published House of Lords committee report2 regarding the Licensing Act 2003, which looked at all aspects of licensing in detail, including LNLs. The independent committee heard extensive evidence from all parties involved in the licensing system and concluded that *'given the weight of evidence criticising the late night levy in its current form, we believe on balance it has failed to achieve its objectives and should be abolished.'* The committee also acknowledged that the Government is also proposing upcoming reforms to the way the levy operates in practice. The BBPA agrees with the House of Lords recommendation that this tax should be abolished, and that Hackney should give serious consideration to both the findings of this committee and postpone any levy in the borough until a decision is made on imminent legislative changes to the LNL structure later this year. Do you support the introduction of a late night levy in Hackney where the income generated is focused on reducing crime and disorder related to the late night supply of alcohol? The BBPA is opposed the LNL as a licensing and taxation tool. This is inclusive of the updated definition of the LNL, set out in the new Modern Crime Prevention Strategy3 and proposed in the current Policing and Crime bill4, which looks to increase levy flexibility. We therefore oppose the proposal to

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		introduce the LNL. Eight local councils currently impose a LNL, with several others having consulted upon implementation. In practice it is clear that the LNL has proved unworkable. A number of fundamental flaws exist. Firstly, legislation dictates that only 30% of Levy revenue can be allocated to local councils, with at least 70% allocated to police. Resultantly businesses have paid the LNL only for police to spend the funds in other areas of their jurisdiction. The businesses paying the Levy therefore experience no direct benefits and it is clear that in such instances the Levy is merely a direct tax. The BBPA is aware that the newly proposed changes to the LNL in the Policing and Crime bill require local authorities to publish data on how funds are spent and, where a Levy is enacted, the BBPA is supportive of this. However the change does not detract from the fact that the spending is not business-led and sets no boundaries as to how the funds must be spent. Instead, we would recommend that a Business Improvement District (BID) is facilitated in replacement, alongside other local partnership initiatives. A BID is undoubtedly fairer as it spreads the financial burden across businesses of all types and allows for a more targeted, collaborative and business-led allocation of funds. It allows for local solutions to local problems faced by local businesses. In contrast the LNL is, in effect, a direct tax on local business and one which unfairly disadvantages pubs. Many pubs are small, independently-run businesses and the cost burden is relatively significant, especially when these businesses contribute positively to the night-time economy yet the funds collected by a LNL are not reinvested to tackle any particular problems that these small businesses face. BIDs have been operating across the UK for over a decade and there are over 250 BIDs now established around the country, a testament to their success. As previously mentioned, the BBPA supports the implementation of a BID, which spreads the financial burden between businesses of all kinds and allows for a more targeted and business-led reallocation of these funds. BID levy money that is raised is ring-fenced and can be used for improvements to the area as well as promotion of its attractions, which can lead to increased footfall and trade. Most importantly, businesses become active stakeholders in creating a safe, diverse and vibrant night-time economy. It is key for local authorities to understand that local businesses are not the cause of local issues but instead are both willing and able to assist in addressing these issues. Central to this theme is partnership working between all stakeholders. A number of local councils have already recognized that such partnership working, in the form of a BID, is the way forward: □ Cheltenham Council is the first to repeal an established Late Night Levy in favour of a BID5. It follows recognition from the council that a BID will raise more revenue than a Levy whilst involving businesses as key stakeholders, and that businesses should not be unduly burdened by two levies. □ A 2013 report by Bristol City Council's Licensing Policy Scrutiny Board6 concluded that a BID scheme would provide for more targeted spending of funds and include businesses and stakeholders in efforts to manage the night time economy. □ Leeds City Council also rejected a levy in 2013, with a report7 by the Scrutiny Board labelling the legislation 'fundamentally flawed, particularly in terms of flexibility and unfair costs for some licensed premises. The same report stated the Executive Board's support for a city centre BID scheme

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		instead, which has since been set up. It also recommended further work with the licensed trade to improve existing partnership schemes. Furthermore, a BID is one scheme that operates effectively within a wider framework of local partnership working. There is a range of partnership schemes which are either business-led or have significant input from businesses as key stakeholders. Pubs are particularly engaged with these schemes and actively seek to contribute towards a safer and more vibrant night time economy. The schemes use local solutions to address local issues. Whilst each scheme has a different area of focus, a combination of different schemes can often be extremely effective in helping to address any problems that an area might face, creating a safer and more appealing space for all. The BBPA is supportive of a number of schemes, including Pubwatch, Best Bar None, Purple Flag, Street Pastors, Community Alcohol Partnerships and the Proof of Age Standards Scheme (PASS). Such schemes have been recognised as beneficial by other local councils: In October 2012 Havant Borough Council's Licensing Committee rejected a levy, citing falling levels of alcohol crime and disorder which the police had partly attributed to the successful local Pubwatch scheme8. Weymouth & Portland Borough Council Licensing Committee rejected a levy in 2015, due to a lack of evidence to support the scheme. In a report providing evidence to the council, Dorset police highlighted that a BID was already in place and it was supporting the local Best Bar None scheme9. A Best Bar None scheme was launched in the Northamptonshire five years ago by Northampton Pubwatch with support from the Northamptonshire Police and Northampton Community Safety Partnership, to help create a safer town and recognise the pubs, bars and clubs that are working hard to reduce alcohol related disorder and promote responsible drinking. The Northampton Scheme is now in its fifth year and support for the scheme has been growing each year. Kent County Council has worked to develop a county-wide Community Alcohol Partnership (CAP) scheme across Kent covering Canterbury City Centre, Westwood Cross, Thanet and Edenbridge. An independent evaluation10 by Kent University showed significant reductions in crime and anti-social behaviour as a result of the CAP. We are proposing to introduce a late night levy for premises that supply alcohol between midnight and 6am. Do you think this is the right time period we should focus on? We have seen with other local authorities that charging the levy between 12am and 6am has led to a vast number of local businesses enacting minor variations to scale back opening hours, unveiling a reality in which Levy revenue has fallen far short of local council predictions. Moreover, pubs form a critical part of a diverse and vibrant night time economy and many local authorities and police acknowledge that where problems exists, they are not caused by the majority of licensed premises, especially traditional public houses or pubs offering late night entertainment to adults in a well-managed and responsible environment. Pubs, in which a responsible drinking environment exists, are therefore punished and this is to the detriment of the local night-time economy as pubs choose to close earlier to avoid the Levy. Such restrictions may discourage potential new businesses of all types from entering and diversifying the local night-time economy.

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		This has further led several councils to reject the Levy on the grounds that net revenue from the Levy will be insignificant when factoring in administration and implementation costs. Cheltenham, for example, raised less than 39% of the £199,000 figure that had been predicted in the first year11. They have now become the first local council to repeal the levy in favour of a Business Improvement District. A number of other councils have rejected the Levy on similar grounds: In Milton Keynes, despite a consultation and approval from the licensing committee, the levy was rejected by the full council for a number of reasons, including that members saw the potential of high administrative costs for minimal financial gain. In the final analysis, figures showed that the potential net profit for the council from the Levy could have been as low as £950012. Warwick District Council officers produced a report in 2015 which recommended that a levy not be introduced due to limited revenue return following the time and cost of implementation13. Norwich City Council's Licensing Committee cited similar reasoning when they decided against a levy in 2012, after estimating that the revenue before administrative costs would be just £35,000. Liverpool City Council rejected the implementation of a Levy in March 2016. One key reason was that other areas with a Levy in place had not seen the financial benefits that were anticipated. Furthermore, businesses were likely to reduce opening hours to avoid paying the Levy and potential new business may be discouraged from entering the night-time economy14. If a levy is to be implemented, it should be issued from the latest possible time so as not to unfairly punish small responsible operators such as pubs. Pubs will lose out on weekend trading hours whilst large operators such as nightclubs can easily afford to pay the levy, even though they may often be the cause of a significant proportion of alcohol-related issues. If you are currently licensed to sell alcohol between midnight and 6am, are you likely to change your licensed hours so that you are not liable to pay the levy? As previously stated, levies in other areas have demonstrated that most licensed premises will choose to change their licensing hours to avoid the levy, leading to the aforementioned issues. If a LNL is introduced, Hackney Council will be working with the Police to find the best ways to spend the revenue raised. Please indicate your preferences for how the Council and Police should spend the funds raised from the levy. We do not agree that a levy should be implemented. We have found that any agreement to decide on where the money is spent should include business as a key stakeholder. Indeed, many Councils who have found success in managing the night time economy have recognised that businesses are not the cause of local issues but, instead, are often the solution. A number of above examples illustrate this point. The expansion and success of local partnership schemes further illustrates that businesses are able and, more importantly, extremely willing to assist in achieving a safe and vibrant local economy. We are not proposing to apply exemptions or reductions in Hackney. If you do not agree with our approach, please explain why. We disagree with this approach. If a levy is imposed, businesses should receive reductions for participating in local Business Improvement Districts. Those businesses contributing to a BID will be paying twice to support the night-time economy. The difference in the two payments is that a LNL is

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<tr><td></td><td></td><td>and to decide where funding is allocated according to local circumstances. This is absolutely vital to a successful local strategy to tackle alcohol related issues.
Businesses should also receive exemptions as members of local partnership schemes such as Pubwatch and Best Bar None. Participation in these schemes illustrates a willingness to engage actively in ensuring that the local night time economy is safe and vibrant. It also shows a level of responsibility as an operator, which should be recognised if they are to be taxed.
Pubs in receipt of small business rate relief should also be exempt. Such pubs will be unfairly impacted by a Levy which is, in effect, a direct tax. The Levy charge can be relatively significant for small, independently-run businesses, who rely on tight profit margins. Moreover, pubs form a critical part of a diverse and vibrant night time economy and many local authorities and police acknowledge that where problems exists, they are not caused by the majority of licensed premises, especially traditional public houses or pubs offering late night entertainment to adults in a well-managed and responsible environment. These premises should therefore receive a complete exemption from the Levy if one is to be introduced.
Do you have any other comments on the proposal to introduce a late night levy?
Please see our report on alternatives to the Late Night Levy here.</td></tr>
<tr><td>15/04/17</td><td>Mr D F S</td><td>Dear David Tuitt

In response to your letter dated 3 March 2107 we object to the proposed Late Night Levy charges.</td></tr>
<tr><td>28/04/17</td><td>Whitbread PLC</td><td>1. Do you support the introduction of a Late Night Levy in Hackney where the income generated is focussed on reducing crime and disorder related to the late night supply of alcohol?

<table><tr><td>YES</td><td></td><td>NO</td><td>x</td></tr></table>
If you answered no what do you think is the best way to pay for the cost of tackling alcohol related crime and disorder?

Whitbread Plc is the UK’s largest hotel, restaurant and coffee shop operator employing over 50,000 people, its major brands include Premier Inn Hotels, Costa Coffee, Beefeater Grill and Brewers Fayre amongst others. We have two hotel premises within the Borough at Dalstan Lane and East Road (E8 and N1 respectively).
We do not see the evidence that would support the need to or desirability of, an introduction of the Late Night Levy. Our businesses are an integral part of Hackney’s hospitality offer, adding to the attraction of staying within the Borough to visitors.

Whitbread Plc through its businesses within the Borough offers employment and has invested to provide that. We are a very responsible business and we do not see why we should be required to pay more in the form of a Levy in addition to business rates, employment and corporate taxes and VAT. We would ask the Council to consider the prevailing economic conditions, which a number of commentators, including the Chancellor see as becoming more difficult, as the UK deals with leaving the European Union alongside the widening national deficit. The City of London recognises the importance of</td></tr>
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		the late night economy, the Mayor of London appointing a Czar to *"Boost London's flourishing cultural scene which attracts millions of international visitors each year"*[1]. Amy Lame having been appointed declared *"for too long, the capitals night time industry has been under pressure – music venues and night clubs in particular are closing at an alarming rate".* Indeed in a recent House of Lords committee report it was noted that London's night time economy *"must be allowed to grow if London is continuing to prosper as a global city in the 21st century"*[2]. On the 4th April, 2017 the House of Lords released their report on the operation of the Licensing Act 2003 following an extensive forensic analysis and hearing evidence from all sides. We are surprised and disappointed that Hackney Council has now seen fit to consider the introduce of a Late Night Levy, particularly given the recommendation from the House of Lords at page 116, paragraph 473 onwards. The report states that since the creation of Late Night Levy's only 9 of 350 Local Authorities in England and Wales have introduced such a power. Up to 13 other consultations took place, where a Levy was not subsequently introduced. We would ask Hackney Council to carefully consider this information and reflect as many other Councils have done, by deciding not to introduce a Levy following this consultation. A number of Councils who were considering the introduction of a Levy deferred any decision to consult, until after the House of Lords Report was published. The British Beer and Pub Association concluded that Late Night Levies were, in effect*, "a step backwards to the previous 1964 Licensing Act … effectively forcing pubs on masse to limit their hours to specific opening time, or be taxed to be able to open later"*[3]. In terms of the best way of tackling the cost of alcohol related crime and disorder we respectfully refer the Council to the following from the House of Lords Report at paragraph 487; *"The Late Night Levy was introduced in large part to require businesses who would prosper from the night time economy to contribute towards the cost of policing it. Yet the evidence we have heard suggests that in practice it can be very difficult to correlate the two with any degree of precision which contributes to the impression, held by many businesses, that the Levy is serving as a form of additional general taxation and is not being put towards its intended purpose"*[4].

[1] www.london.gov.uk/press-releases/mayoral/mayor-reveals-uks-first-ever-night-czar
[2] HOUSE OF LORDS Select Committee on the Licensing Act 2003 Report of Session 2016–17 HL Paper 146 The Licensing Act 2003: https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf
[3] Written evidence from the BBPA to the House of Lords Licensing Act 2003 Committee. https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf

[4] HOUSE OF LORDS Select Committee on the Licensing Act 2003 Report of Session 2016–17 HL Paper 146 The Licensing Act 2003: https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf

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		Whitbread is a company that operates hospitality across the UK and has a fundamental problem with the Levy as has been introduced by a small number of Councils. We do not believe that the Levy is an appropriate or fair way for public services to be financed which are more generally funded through national and local taxes. It is noted that the Borough of Hackney has over 1000 licensed premises, of those, 399 licensed premises are able to supply alcohol between midnight and 6 a.m. By targeting those businesses whose licences run after the 12 midnight imposition of the Levy there is, in our respectful view, a tax on 40% of those licensed premises whereas the other 60% (who have of course contributed to the selling of alcohol up until midnight) do not get caught by the Levy. What is more, there are unintended consequences flowing from the Levy's blanketed approach, Whitbread by Premier Inn are principally a Hotel not a late night venue and a Business in Licensing document placed before the House of Lords Committee gave an example of one Local Authority which *"sought to bring in a Levy on any premises open after 1 a.m. which meant the majority of vertical drinking establishments in the town centre did not pay but the small 24 hour shop outside the town centre was hit with a Levy in excess of £1500.00"*[5]. The Council should consider carefully the Home Office Guidance which states that *"When considering whether to introduce Levy, Licensing Authorities should note any financial risk (for example lower than expected revenue) this rests at a local level and should be fully considered prior to the implementation*[6]*"* The Council's attention is particularly drawn to the meeting of Cheltenham Borough Council in February 2017 and its decision to abolish the Late Night Levy. There were two material factors in their decision to do so, firstly, that the Late Night Levy had not generated the monies predicted when voted in and secondly, the Council considered the existing Business Improvement District (BID) to be far more beneficial to the area. It has been cited that in the first year of Cheltenham Council's Late Night Levy implementation raised less than 39% of the £199,000 figure that had

[5] Written evidence from Business in Licensing in the House of Lords Licensing Act 2003 Post Legislative Scrutiny Committee.
https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf

[6] http://licensingresource.co.uk/sites/default/files/Late_Night_Levy_new_guidance_as_at_24_March_2015_final_.pdf

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		been predicted at its first year inception. This shortfall, must be considered by Hackney Council with concern. In your consultation document you cite; *"The Levy is paid to the Council, the key element of the Levy is the requirement that a specified proportion of at least 70% of any net revenue collected by the Council must be paid to the Police".* Again, it should be noted from the investigations of the House of Lords Committee and in particular Cornwall Council's Authority it was *"unacceptable that most of the income raised would go to the Police but not necessarily ploughed back into addressing the costs arising from late night activities"*[7]. Home Office guidance from 2015 notes that while 70% of LNL funds should still be allocated to the Police there is a power available to Police and Crime Commissioners that in their discretion, and in discussion with local councils, they can hand a proportion back to the local council[8]. But the House of Lords concluded; *"The default expectation remains that funds should be split on 70/30 basis between Police and Local Authorities, and only a small minority of Local Council respondents appeared to be aware of this possibility. Section 131(5) of the Police Reform and Social Responsibility Act 2011 does allow for the amendment of 70/30 split but that as so far not been used*[9]*".* It is noted that in your consultation document, you indicate there would be discussions with the Police to *"establish exactly how this could work". "The eventual percentage allocation and use of the Police income share will be agreed in negotiations with the Metropolitan Police and Mayor of London's Office for policing enquiring (MOPAC)".* There is at present no precedent for a greater percentage going to the Council Authority and therefore we would respectfully suggest that the LNL will not, (using the example of Cheltenham Borough Council), produce as much funding as you hope it would to tackle the management of the late night economy in Hackney.

[7] Written evidence from Cornwall Council Licensing Authority (lIC0069) to the Licensing Act 2003 Post Legislative Scrutiny Committee House of Lords 2017.
https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf

[8] Home Office, amended guidance on the LNL (24 March 2015)
https://www.gov.uk/government/uploads/system/uploads/attachmentdata/file/416092/latenightlevy-newguidanceasat24March2015finaldoc.pdf (access 10th March 2017)

[9] HOUSE OF LORDS Select Committee on the Licensing Act 2003 Report of Session 2016–17 HL Paper 146 The Licensing Act 2003:
https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf

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		The crime statistics for Hackney[10] show that theft and handling is by far the most reported crime in Hackney which offers a differing perspective on the types of crime in Hackney, when considered against the managing of the late night economy. It is our firm belief that the problems in Hackney are best addressed by looking into further possibilities, one of which is of course Business Improvement Districts (BIDs). As stated Cheltenham has now removed the Late Night Levy it had previously adopted. Cheltenham Borough Council removed the Levy by balancing *"against the gains which could be achieved by the introduction of a Business Improvement District (BID)."* The leader of the Council and other cabinet members took the view that the BID would have greater benefits overall for the town than the Late Night Levy could potentially achieve going forward. Furthermore, they made clear that it would have been inappropriate to charge businesses twice. Council cabinet members gave businesses the option to vote in favour of a BID which they believed would *"be very positive for Cheltenham, the economy to the town was very important and must be promoted, but it is not the council telling traders what is good for them, it is for the business to decide what is good for themselves and the BID gives them the mechanism to decide that[11]"* . The Council also confirmed that *"in the BID there would be significant focus on helping the late night economy, working with Police and other partners to fund a community van for everyone's benefits and if they want to encourage more events like comedy, music and the arts in general, working with bars and clubs."* We note that the Chairman of Gloucester's LVA Justin Hudson said upon the proposals at that stage; *"all 47 businesses in the organisation would favour BID, I would rather my members made voluntary contributions to a scheme which makes more money than begrudgingly pay Levy. The BID would be an absolute no brainer and I am confident this is what we need to do. If we had the Late Night Levy imposed upon us I would feel that I had failed as Chairman of the LVA[12]"* We note in your consultation document that you consider a possible maximum annual income of £362,085.00 from the adoption of the Late Night Levy. Again, we have already cited in this document the statistics on the actual return of moneys collected by Cheltenham Borough Council in its first year. The precedent of other Councils and what they actually collect, does in our respectful submission bring the adoption of the Levy by Hackney Council seriously into question as a funding proposal for the management of the late night economy. We would urge Hackney Council to re-examine its proposal and give serious

[10]Source https://beta.met.police.uk/stats-and-data/
[11] www.john-gaunt.co.uk/news/cheltenham-late-night-levy-or-bid

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

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		consideration to following Cheltenham Council's lead and work for an alternative funding arrangement, which could be by way of a BID with monies aimed at the night time economy. In this way, the Council would demonstrate that it is genuinely working in partnership with its local businesses, residents, the Police and other agencies to procure a safer and prosperous area. It would also confirm ownership on all those partners such that it would provide a focussed and effective mechanism. We strongly refer Hackney council to the conclusion on Late Night Levy's by the House of Lords Post Legislative Scrutiny Committee that; *"…given the weight of evidence criticising the Late Night Levy in its current form, we believe on balance that it has failed to achieve its objectives and should be abolished[13]".* 2. Late Night Levy proposed times. We are proposing to introduce a Late Night Levy for premises to supply alcohol between midnight and 6 a.m. do you think this is the right time period we should focus on? (Please note that the Late Night Levy can only be imposed on licensed premises selling alcohol between midnight and 6 a.m. We could propose a shorter period within these hours) YES | | NO | x If no which time period do you suggest? We cannot agree to the proposal to commence the Levy on premises open after midnight and 6 a.m. as we have no basis to agree or disagree. We note that Hackney Council is consulting on this point to residents, businesses and other interested parties without providing any evidence as to why midnight would be an appropriate time. We ask Hackney Council to provide details of how many premises of the 399 (it cites in its consultation document) are open significantly past the midnight time period. One of our premises has only a Licence until 12.30 a.m. this may be mirrored for a number of those premises that make up that 399 as detailed in your consultation document. The amount of premises who only open just slightly after the Levy (for example by 30 minutes) could of course alter their trading hours to avoid paying the Levy completely. As such significantly affecting the proposed £362,085.00 suggested as being the total annual income produced by the implementation of the Late Night Levy in Hackney.

[13] Paragraph 502 House of Lords Licensing Act 2003 Post Legislative Scrutiny Committee Report https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf

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		3. If you are currently licensed to sell alcohol between midnight and 6 a.m. are you likely to change your licensed hours so that you are not liable to pay the Levy?

YES		NO		NOT APPLICABLE	x

We have no comment to make in the absence by the Council as to why the Levy should start at 00:00 midnight, and our opposition is to the whole concept of the Levy being implemented in Hackney.

4. If an LNL is introduced, Hackney Council will be working with the Police to find the best ways to spend the revenues raised.

Please indicate your preferences for how the Council and Police should spend the funds raised from the Levy.

We cannot comment on the indicated preferences for how the money from the Levy is to be spent by Hackney Council. We are opposed to the implementation of the Levy, we simply cite our views on the alternatives available to the Council and the restrictions
(Again noted in this document) with regard to the percentage available from the Late Night Levy for the Council to spend.
Referring to the case of Cheltenham it was noted to the House of Lords Committee that a BID allows *"any monies generated from all businesses in the area to be allocated to the areas BID believes it is necessary such as taxi marshals[14]".*

We believe alternatives to the Late Night Levy would allow not only a greater share of income for the Council, but also a greater share in the direction and redistribution of that money to tackling issues within Hackney, including the management of the late night economy.

We are surprised that even though Hackney has operated a voluntary Levy which is reported to have received material benefit for the Borough, we would have expected to see clear proposals as to the way forward and we note that the proposals put forward by way of a single programme does not take into account the actual funding of that programme on the basis of the current precedent of a 70/30 split. It is not clear as to whether the Police would agree to fund 70% of such a single scheme or whether they would merely contribute to such a scheme's cost. This it would seem places the Council at a risk of a significant shortfall in funding if the Council's prediction of £362,085.00 does not reach that level. The risk of drop out by premises by virtue of minor variation which in turn would be reflected by significantly less funds available for the Council's lead directives. It would appear that there is no information as to any agreed partnership on funding with the

[14] Written evidence from Admiral (LIC0124) to the Licensing Act 2003 Post Legislative Scrutiny Committee. https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf

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		Police for such a scheme. We believe as an option, this places the viability of the project at risk. 5. Exemptions or reductions. Local Authorities may choose to exempt certain categories of premises (e.g. country village pubs and bingo halls) or offer reductions in certain specified circumstances. Licensing Authorities are not able to choose a category of premises for an exemption from the Levy if it is not one of the specified categories. We are not proposing to apply exemptions or reductions in Hackney as our data shows that the highest levels of crime and anti-social behaviour are street based, often difficult to link to individual premises. It is therefore not appropriate to exempt categories of premises or offer reductions as all premises will benefit from the services provided. Further there are very few premises within Hackney that fall within the specified criteria that would be caught by the Levy. More information on exemption and reduction categories can be found with the Guidance issued by the Home Office. 6. If you do not agree with our approach please explain why. We note that the Council are not proposing to exempt New Year's Eve under the regulations. The Council do not show any evidence to propose that crime from the night time economy on New Year's Eve is significantly greater in Hackney than any other Borough who currently adopt the Levy and exclude New Year's Eve from it. We reiterate the legislation available to exempt New Year's Eve night/day as it is celebrated throughout the country, the point of which is to celebrate beyond 12 midnight to welcome in the New Year. Whilst it is for others to argue their case for exemption we do not believe there are good reasons to exclude an exemption for hotels and other premises with overnight accommodation. The provision of the hotels is both employment to the area and provision of hospitality to those wishing to visit and spend money in Hackney is an important one. Hackney Council in its consultation document have already noted; *"There are very few premises within Hackney that fall within the specified criteria that we caught by the Levy".* Given the benefit that Whitbread Group brings to Hackney, we are dismayed that the Council would not consider our hotel and overnight accommodation offerings as being the type of minority venue (within Hackney) that should benefit from an exemption to the Late Night Levy, given the benefits clearly outweigh the negatives to the area. As hoteliers with an international reputation we strongly refute the Council's implication, (by denying the exemption) that all late night premises contribute to the need for policing the late night economy. There would still be such a need for night policing even if there were no premises open, as policing the streets is one of the fundamental duties of the Police. Customers of hotels with late night licences are essentially confined within the hotel and few would venture out again once ensconced in the hotel bar.

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		Those that might venture out would constitute such a very small minority of people on the streets that to attach the same degree of importance to raising a Levy from hotels, in our respectful submission, makes no sense. We bring to the attention of the Council the unintended consequences of not exempting Hotels from the Late Night Levy. If the Hotels are exempt, the guests are usually ensconced in the bar for a late night drink before retiring to their rooms. By the Council not exempting Hotels from the Levy, we are quite clear that we would apply to revert the bar to close prior to the implementation of the Levy at 12 midnight. We are sure many other Hoteliers will adopt the same approach. This will force those out of the Hotel and onto the streets to find somewhere (either a bar or a club) open to get a drink thus increasing the problems for late night management of the Hackney area and clearly the exact opposite of what is intended or desirable. We would ask the Council to strongly consider this consequence when making their decisions on exemptions. It is more than likely that we will reduce the licensing hours, given the amount of trade that we do, it is regarded more as a service to our clients than a profit centre late at night. Other hoteliers, are quite likely to take a similar approach. Reducing hours has an effect on employment and of course a negative effect on those employed. Where Late Night Levies have been introduced, Whitbread has used the free Minor Variation process to reduce the hours on all those affected so as to avoid the Levy in a number of sites. We do not see this as a simple solution, but the consequence impacts on many of our employees whose hours are therefore reduced and who in turn see their earnings fall. Those individuals are valuable hard working people to our business, who in turn will find it difficult to secure alternative jobs for the hours they require within the Borough of Hackney. 7. Do you have any other comments on the proposal to introduce the Late Night Levy? We refer the Council to the conclusion of the House of Lords Post Legislative Scrutiny Committee on the Licensing Act 2003 Report which stated; "We welcome the initiative of Local Authorities such as Cheltenham which have abandoned the Late Night Levies in favour of Business Improvement Districts while recognising that the Local Authorities can impose Business Improvement Districts in the same way they can Late Night Levies, we recommend that other Local Authorities give serious consideration to initiating and supporting Business Improvement Districts and other alternative initiatives[15]". We would suggest there is considerable evidence for the Council to conclude that Business Improvement Districts (BIDs) can achieve similar, and indeed,

[15] HOUSE OF LORDS Select Committee on the Licensing Act 2003 Report of Session 2016–17 HL Paper 146 The Licensing Act 2003: https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf

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		often better more flexible and more innovative results than Late Night Levies, whilst also proving more acceptable to local businesses. Indeed, the National Association of Licensing and Enforcement Officers gave evidence that; *"Levies can only be introduced after midnight but all licensed premises contribute to the late night economy and the inherent issues prior to that time." The Association believe that "A fairer system would follows Business Improvement District (BID) schemes whereby all premises would be involved in shaping and promoting the night time economy and contributing to the process.*[16]*"* We are disappointed that Hackney Council has chosen to consult on the introduction of a Late Night Levy and we feel there is very little evidence to explain or justify its implementation. We feel there has been no consideration of the prevailing conditions, recognition of the economic effect on operators and considered reasoning based on evidence upon which anybody, could make a judgment. We cannot stress strongly enough our absolute opposition to a Levy being applied to hotels whose licences have been granted late hours. In light of our observations and the consideration of this document, we are firmly of the opinion that the consultation should be withdrawn and the Council should reconsider its stance on the introduction of the Levy. The Council should look towards alternatives, taking into account, the very strong evidence seen in the House of Lords Report recently published. We feel the introduction of any Late Night Levy by Hackney Borough Council would be counter-productive. Firstly, to the financing of the control of the late night economy, secondly, the effectiveness of managing that economy by the Council and finally to achieving a balance for operators, the authorities, and the public and residents of Hackney itself.
03/05/17	Mr J I	Dear Licensing, I would broadly support the introduction of a 'Late Night Levy'. These should be charged on a per licence basis not on a per premises basis to discourage the holding of multiple licences. Here are my observations on the specific proposals. The consultation summary states that the voluntary scheme currently funds patrols of Dalston but I have not seen any such in many years. Stoke Newington Road and Kingsland High St are official free zones after dark. It's about time there was direct supervision of obvious risks periods like the dispersals from licensed premises and the enforcement of daytime

[16] Written evidence from the National Association of Licensing and Enforcement Officers (LICO148) HOUSE OF LORDS Select Committee on the Licensing Act 2003 Report of Session 2016–17 HL Paper 146 The Licensing Act 2003: https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf

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		standards in the public realm. Fees and Banding: Restaurants should be treated on the same basis as those premises which 'primarily or exclusively sell alcohol'. This is because there are many restaurants which 'primarily or exclusively sell alcohol' after midnight - genuine restaurants don't need to serve alcohol after midnight. Some distinction should be made between genuine food outlets and operators looking for 'flexibility'.
03/05/17	Punch Taverns PLC	Punch is one of the UK's leading pub companies. Punch was formed in 1997 and currently has a nationwide portfolio of around 3,300 pubs. In the main, Punch operates a tenanted pub estate, empowering individuals and multiple premises operators to take on and run their own business, whilst providing support to our publicans wherever possible. Punch was the first Pubco in the industry to introduce an accredited Code of Practice, which was endorsed by BIIBAS (British Institute of Inn keeping, Benchmarking and Accreditation Services). As a high quality organisation, Punch provides their publicans with the support and expert industry knowledge needed in order to ensure the pub businesses comply with and where possible promote the licensing objectives. Punch provides a comprehensive range of business support covering everything from marketing to the legal and financial aspects of running a pub. In 2005 we took the decision to hold the premises licence for our estate. Although we do not undertake licensable activities in our leased pubs, the holding of the premises licence imposes upon our business a significant obligation in terms of licensing regulation and compliance. Corporate Social Responsibility (CSR) is embedded across many elements of our business, from corporate fund raising to responsible retailing. We have dedicated teams in place to assist in ensuring that our premises operate to the highest standards. As Portman Group signatories and supporters of Drinkaware we do not condone irresponsible promotions and pricing of alcohol, and we have actively supported the 'Why let good times go bad?' campaign to tackle excessive drinking amongst 18 to 25 year olds. Responsible retailing forms a key part of our publican training, and many of our publicans have completed our responsible retailing training. We also provide Risk Management manuals to our publicans, which give clear guidance on current legislation and best practice, backed up by the support of our Risk and Compliance Teams, who provide specialist advice and guidance. We also support the BBPA's Customer Unit Awareness Campaign, part of the Association's contribution to the Government's Alcohol Responsibility Deal by making information and publicity available to our publicans. All of our publican development managers (PDM's) are trained to a minimum of Blllevel 4 in Multiple Retail Management, which consists of eight modules including communication, negotiating, business knowledge and marketing. We believe a well-trained, talented and high performing team will help our publicans reach their potential and ensure their premises are well run. We believe that Punch Taverns is in a uniquely qualified position to make a

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		valuable submission as, not only do our circa 3,300 premises cover every local authority area in England and Wales, but we also have significant experience and knowledge of the Licensing Act 2003, the Police Reform and Social Responsibility Act 2011 and associated relevant legislation. Please note the following: We are a local business owner Please notify us of the outcome of this consultation Please notify us of any public hearing Please notify us of the final decision made by the council Questions 1. Do you support the introduction of a late night levy in Hackney where the income generated is focussed on reducing crime and disorder related to the late night supply of alcohol? No If you answered no, what do you think is the best way to pay for the cost of tackling alcohol related crime and disorder? Prevention of crime and disorder is the purview of the police force. Police forces in the United Kingdom are paid for by taxes levied against all strata of society. It is patently unfair to charge an additional tax to one section of society (premises selling alcohol after midnight) for an ill-defined problem that is not demonstrably related to the premises being required to pay the levy. Late Night Levy proposed times 2. We are proposing to introduce a late night levy for premises that supply alcohol between midnight and 6am. Do you think this is the right time period we should focus on? (please note that the Late Night levy can only be imposed on licensed premises selling alcohol between midnight and 6am. We could propose a shorter period within these hours.) No If no, which time period do you suggest? We suggest that the Levy is patently unfair and as such should not be implemented at all. 3. If you are currently licensed to sell alcohol between midnight and 6am, are you likely to change your licensed hours so that you are not liable to pay the levy? As a multiple licence holder in the Borough, we would expect a number of our premises to change their licensing hours to avoid payment of the Levy. However, until the Council determine what hours and exemptions are being implemented (if any), we cannot give further details on the likelihood of our premises reducing their hours. We can say, however, that in other councils where a levy has been introduced, there has been something around a 50% take-up of removing hours to avoid payment of the Levy. 4. If a LNL is introduced, Hackney Council will be working with the Police to find the best ways to spend the revenue raised. Please indicate your preferences for how the Council and Police should spend the funds raised from the levy. Please rank the following suggestions in order of priority from 1 to 6, with 1 indicating your most

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		preferred option and 6 your least preferred option. Additional police officer patrols across the borough One Additional patrols by the Council's wardens Six Additional staffing to monitor CCTV and through a radio link with the police, enable staff to be promptly deployed where they are needed right across the borough Six Joint patrols and operations by police and council officers including wardens, so that there is maximum coverage of the borough and best use of resources. Six Additional funding for waste removal and street cleansing in those areas worst affected Six Portable/pop-up toilets Six Other, please tell us: Any money raised should be spent on additional policing on the streets and identifying and prosecuting individuals who cause the crime and disorder. Exemptions or reductions Local authorities may choose to exempt certain categories of premises, (e.g. country village pubs and bingo halls} or offer reductions in certain specified circumstances. Licensing authorities are not able to choose a category of premises for an exemption from the levy if it is not one of the specified categories. We are not proposing to apply exemptions or reductions in Hackney as our data shows that the highest levels of crime and anti-social-behaviour are street based, often difficult to link to individual premises. It is therefore not appropriate to exempt categories of premises or offer reductions as all premises will benefit from the services provided. Further there are very few premises within Hackney that fall within the specified criteria that would be caught by the levy. More information on the exemption and reduction categories can be found within the Guidance issued by the Home Office: https:/ /www.gov.uk/government/publications/amended-latenight-levy-guidance 5. If you do not agree with our approach, please explain why. In relation to exemptions, We feel that the following premises should be exempted : • Premises with overnight accommodation (if alcohol is served to overnight guests only) • Theatre and cinemas (if alcohol is served to ticket holders to events only) • Bingo Halls • Small Business Rate Relief The reason is that alcohol is provided as ancillary to the main purpose of the premises or in the case of premises receiving small business rate relief, they are likely to struggle with the burden of additional taxation. The other premises groups listed, we feel, should pay the Levy. Provision of alcohol in such premises is often a primary activity. These premises could acquire an unfair competitive advantage if they were permitted to supply alcohol without being required to pay the LNL. Business Improvement Districts (BIDs) where the BID deals specifically with issues affecting the NTE are a fairer means of raising revenue than the LNL in that they engage all stakeholders. Therefore premises participating in a BID should be exempted from the LNL. New Year's Eve should be exempted from the Levy. A number of premises have NYE extensions and no other hours in the proposed levy period. To make them remove this extension and then apply for TENs is an additional administrative burden on the police, licensing authority and licence holder. Members of Business-led Best Practice Schemes that can be shown to meet a criteria for improving standards should be allowed the maximum reduction in LNL. Such schemes have an administrative and

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		financial burden attached to reaching the qualifying standards and this needs to be recognised. If Hackney Council is committed to improving standards of premises in the borough, it will support such schemes by acknowledging the part they play in keeping the NTE safe and compliant. 6. Do you have any other comments on the proposal to introduce a late night levy? We fully support the view that premises should be well run and promote the four licensing objectives. We do not however, support the view that those premises or indeed any premises should be obliged to pay a levy in addition to licensing fees, business rates and general taxation. The Licensing Act 2003 and associated relevant legislation contain sufficient safeguards and means of dealing with premises that cause or contribute to crime and disorder. It should not be forgotten that many premises that are permitted to supply alcohol beyond 00.00 will have conditions on their premises licences requiring the employment of door staff, the installation and use of a CCTV system and other such conditions that result in a one-off or on-going cost to the premises in terms of compliance. These premises, if they choose to avoid paying the late night levy, will have to continue to operate under these conditions, often added contemplating the premises trading later at night; or they will have to go through the expense of varying their licence to remove the conditions. This would not be considered part of the 'free' minor variation permitted to reduce hours. Whilst it is no doubt the case that the budgets of both the Police and the Authority are under pressure, the same applies to operators of licensed premises who pay their annual licensing renewal fee, their business rates and other taxes, staffing costs, including the implementation of the increased national minimum wage and many other costs that directly affect the ability of premises operators to remain in business. Licensed premises being required to pay another tax would be most unwelcome. For some businesses, especially within tenanted pubs, the late night levy will simply be unaffordable. Further, the Government is considering making substantial changes to the way licence fees are charged and this is likely to result in higher fees and further costs to out publicans. There is a real possibility that publicans forced to pay these additional fees will not be able to afford to do so and will lose their livelihoods as a result. As a minimum, we would suggest that Hackney postpone any implementation of a Late Night Levy until the Government has announced its plans for licensing fees. It is impossible to distinguish crime, anti-social behaviour and nuisance related to the late night supply of alcohol from any other crime, anti-social behaviour and nuisance in the borough at night. As such, it is wrong to expect premises permitted to sell alcohol after midnight to pay for a much wider problem. Evidence suggests that the best way to tackle alcohol-related crime and anti-social behaviour is by means of targeted training and education. Hackney Council need to focus on an integrated plan embracing the whole of the night time economy, not simply penal ising premises licensed to sell alcohol. A significant number of the issues of concern come from premises not licensed to sell alcohol, such as takeaways, transport providers and shops with late opening hours. The LNL is un-targeted, unreasonable and wholly inappropriate as a means of dealing with the problems. The key therefore is for a joined up approach to the Night Time Economy ('NTE'), not to simply charge a small proportion of those operating in it on an arbitrary basis. Specifically targeting the premises that undermine the licensing objectives is a much more effective means of dealing with the problem than

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		potentially having smaller premises less reliant on sales of alcohol, but nonetheless currently providing that facility, pulling back their hours to avoid the Levy and leaving premises larger 'nightclub' or bar type premises as the only option for customers. An earlier levy may have the effect of undermining the diversity of premises trading past midnight. Restaurants, small bars/cafe's and other premises that benefit from later hours for sale and supply of alcohol but do not necessarily make much income from it may be forced into reducing their operating hours. The reality is that only those premises who directly benefit from the sale of alcohol after midnight would retain their permissions and pay the levy. The consequence is a less attractive NTE that will attract a less diverse group of individuals at night. Whilst the Police and Council incur costs in relation to the reduction or prevention of crime and disorder in connection with the supply of alcohol between OO.OOam and 6.00am, the night time economy provides economic benefits to the City which may be lost, at least in part, on implementation of a levy. Such potential losses do not appear to have been properly considered. The recent House of Lords report following their consultation on the Licensing Act states, at paragraph 502: *'Given the weight of evidence criticising the Late Night Levy in its current form, we believe on balance that it has failed to achieve its objectives, and should be abolished.'* If it is not to be abolished, the Committee made a number of recommendations to significantly amend the legislation and the Levy to remove some of its most glaring faults. In the light of these damning comments, it would be wholly inappropriate for Hackney Borough Council to implement a LNL in the proposed form and add a further burden to local businesses in such circumstances. As such, we cannot support the introduction of the Levy.