



Appendix 1: To Licensing Committee

London Borough of Hackney

Late Night Levy Governance and Terms of Reference

2018

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 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%.*

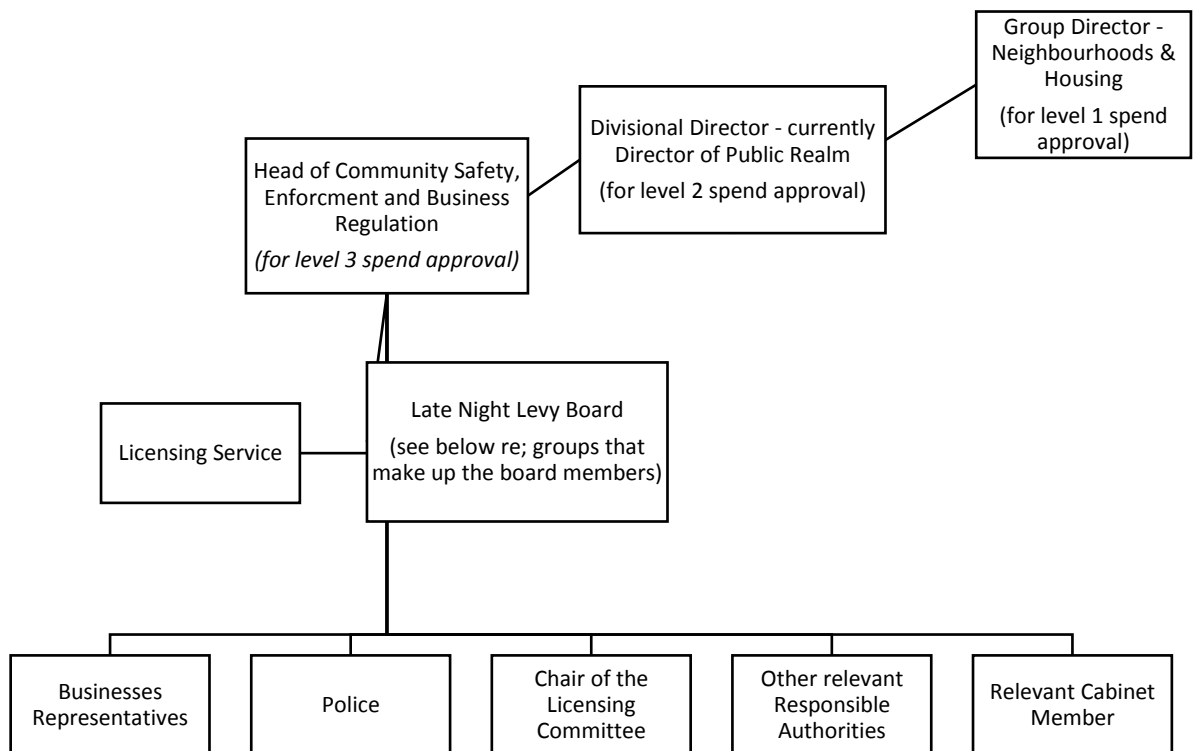
2. The Council also agrees:

- (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 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.

1.9 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 establishment and operation of the Board. The administration of the board will be the responsibility of the Licensing section.

2 Proposed Structure and Governance Model for Late Night Levy Board



- 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 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 to the Head of Community Safety, Enforcement and Business Regulation, Divisional Director or Group Director, dependent on the related spend level. The relevant officer will have the authority to approve the provision of services as funded by the levy. As all of the most affected parties are represented on the Board, it will be the single body that will advise the relevant officer on the best way to organise and deliver those services. The relevant officer will be expected to give the matters raised and any recommendations by the board full and proper consideration and as such will be expected to give written reasons if they are to depart from the Board's recommendations.

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

2 x Business Group Representatives (can be expanded to 4)

1x Enforcement and Business Regulation Manager

1x Community Safety Partnership Manager

1 x Licensing Team Leader

1 x Metropolitan Police Service

1 x Cabinet Member Late Night Economy (Community Safety)

1 x Licensing Committee Chair (who will also chair the Board Meeting In their absence the Deputy Chair or other nominated member of the Licensing Committee

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

The basic quorum of the Board will include the Chair and senior representation from the Police and the Licensing Service.

3.3 Frequency of Meetings

- 3.3.1 To be decided by the Board but no more than quarterly and hosted by the London Borough of Hackney unless otherwise decided.

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. The Chair will have the final decision on what recommendations will be put forward to the Head of Community Safety, Enforcement and business Regulation, which will be via report drafted by the Licensing Section.
- 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 Licensing Service with key indicators and trends concerning commissioned activities. These are to be decided by the Board at its first meeting.
- 3.5.2 Statement of Licensing Policy.
- 3.5.3 Licensing reports 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 Reference to the Community Safety 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 Yearly report to be prepared by the Licencing Section to 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 Licensing Team Leader currently David Tuitt.